

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35357 of 2021

Arising Out of PS. Case No.-109 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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OMPRAKASH MAHTO S/o- LATE PAHALAWAN MAHATO Resident of
Village- Basdila Khas Tola Murgiya, P.S.- Gopalganj Town, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Excise Case No. 109 of 2021 for the offence registered under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

The allegation is regarding recovery of 38 litres of
illicit liquor from the bushes situated in front of the house of the
petitioner.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 28.03.2021.
The learned counsel for the petitioner has further submitted that



neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his house, hence the petitioner has been falsely implicated in the present case.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no recovery of illicit liquor has been made from within the house of the petitioner, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Excise Case No. 109 of 2021.

(Mohit Kumar Shah, J)

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