

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41638 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- ISUAPUR District- Saran

BIRENDRA MAHTO S/o Late Lakshuman Mahto Resident of Dhama Parsa,
P.S.- Isuapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-12-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Isuapur P.S. Case No. 126/2020, registered for the offence punishable under Sections 420, 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 2398 liters of illicit English wine from a truck. Admittedly, the owner of the petitioner is stated to be one Gurnam Singh. The name of the petitioner has transpired in the present case upon



statement made by the co-villagers regarding the petitioner and other co-accused persons being the persons, who are the owner of the illicit liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 5.4.2021. The learned counsel for the petitioner has further submitted that the truck in question does not belong to the petitioner and no illicit liquor has been recovered either from the conscious possession of the petitioner or his vehicle or his house.

Per contra, the learned APP 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 the petitioner has got nothing to do with the truck in question and moreover, no illicit liquor



has been recovered from the conscious possession of the petitioner or his vehicle or his house, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge IInd cum Special Judge, Excise, Saran at Chapra in connection with Isuapur P.S. Case No. 126/2020.

(Mohit Kumar Shah, J)

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