

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33151 of 2020

Arising Out of PS. Case No.-94 Year-2020 Thana- DARAUNDA District- Siwan

MAHESH MAHTO Son of Chhabila Mahto Resident of Village-Rukundipur,
Police Station-Daraunda, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Anand Mohan Pd. Mehta

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-01-2021

Heard learned counsel for the parties.

This application for regular bail arises out of Daraunda P.S. Case No. 94 of 2020, disclosing offence punishable under Sections 30(a), 38 of Bihar Prohibition and Excise Act, 2016.

It is the prosecution's case that on the basis of a secret information to the effect that the petitioner with other accused persons were indulging in the business of illegal trade of liquor, a raid was conducted. Allegedly, seeing the police party four persons managed to flee away, leaving aside the bag containing 120 litres of country-made liquor, which was recovered by the police. It is mentioned in the FIR that the villagers disclosed the name of the petitioner among others who



had managed to flee away.

Learned counsel appearing on behalf of the petitioner has argued that merely on the basis of the statement of the villagers, whose names have not been disclosed in the FIR, the petitioner has been implicated only because of his criminal antecedent in one case. He has argued that the recovery was made apparently not from a place in petitioner's conscious possession. The petitioner is in custody since 29.02.2020.

Considering the nature of accusation against the petitioner and the petitioner's incarceration from 29.02.2020, this application is allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned 2nd Additional District and Sessions Judge cum Special Judge, Excise, Siwan in Daraunda P.S. Case No. 94 of 2020.

(Chakradhari Sharan Singh, J)

Rajesh/-

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