

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46442 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- MADANPUR District- Aurangabad

Vijay Mahto S/o Ghura Mahto R/o village- Mahuranw, P.S.- Madanpur,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-12-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of Covid 19 pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Madanpur P.S. Case No. 80 of 2021 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that the petitioner is in custody since 30.05.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that allegation is of recovery of 210 liters of spirit from four



motorcycles.

Learned counsel for the petitioner submits that the petitioner was not apprehended at the spot and his name came on the confessional statement of accused Bineshwar Rikiyasan. It is further submitted that since the petitioner was not apprehended at the spot so nothing was recovered from his conscious possession and confessional statement of a co-accused does not have any evidentiary value.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 30.05.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Aurangabad in connection with Madanpur P.S. Case No. 80 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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