

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35812 of 2020

Arising Out of PS. Case No.-282 Year-2019 Thana- CHANPATIA District- West Champaran

MAHANTH MAHTO@ MAHANTH MAHATO son of late Jawahir Mahto
Resident of Village- Garrabhuwa Lala Tola, Police Station- Chanpatia
(Sirisiya O.P.), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-02-2021 This application for grant of regular bail arises out of Chanpatia (Sirisiya O.P.) P.S. Case No. 282 of 2019, registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 30(b), 30(c) of the Bihar Prohibition and Excise Act, 2016.

It is the prosecution's case that huge quantity of raw materials capable of being used for preparation of illicit liquor, some quantity of country made liquor and 400 liters of partly manufactured wine was recovered from a place in the petitioner's occupation in contravention of the provisions of the Act.

Learned counsel appearing on behalf of the petitioner has argued that it is evident from the First Information Report



that recovery of illicit liquor was allegedly made from an open place and no recovery can be said to have been made from the petitioner's possession.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State. I have gone through the case diary, which is available on record.

This is noted that no plea has been taken in the application seeking bail that the place from where recovery of illicit liquor was made was not in his occupation and it does not belong to him. Petitioner is in custody since 01.06.2020. However, it appears from the statement made in paragraph 3 of the application that petitioner has criminal antecedent inasmuch as his name finds place in following criminal cases :-

“(i) Chanpatia (Sirisiya O.P.) P.S. Case No. 47 of 2019 under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 30(b) of the Bihar Prohibition and Excise Act, 2016, (ii) Chanpatia (Sirisiya O.P.) P.S. Case No. 190 of 2019 under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 30(b) of the Bihar Prohibition and Excise Act, 2016, (iii) Chanpatia (Sirisiya O.P.) P.S. Case No. 94 of 2019 under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 30(b) of the Bihar Prohibition and Excise Act, 2016, (iv) Chanpatia (Sirisiya O.P.) P.S. Case No. 280 of 2019 under Sections 272, 273, 414 of the Indian Penal Code and Sections 30(a), 30(b), 30(c) of the Bihar Prohibition and Excise Act, 2016, and (v) Chanpatia (Sirisiya O.P.) P.S.



Case No. 117 of 2020 under Section 414 of the Indian Penal Code and Sections 30(a), 30(b) of the Bihar Prohibition and Excise Act, 2016.”

Learned counsel for the petitioner has submitted that the petitioner has been implicated in yet another case of the same nature.

Considering the petitioner’s criminal antecedent, as noted above, I am not inclined to grant him privilege of regular bail.

This application is accordingly rejected.

(Chakradhari Sharan Singh, J)

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