

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5863 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Ram Babu Mahto, S/o Ram Kishore Mahto Resident of Village- Awapuur
Uttari, Ward No. 2, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-10-2021 Heard Mr. Virendra Kumar, learned advocate

for the petitioner and Mr. Dashrath Mehta, learned APP

for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with GO. Case No. 91 of 2020,
instituted for the offence under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

It appears from the prosecution report that 12
litres of Nepali liquor was recovered from a drain in front
of the hand-pump located outside the house of the
petitioner.



The learned advocate for the petitioner has submitted that the recovery of the liquor, referred to above, cannot be saddled on him as it is from an open space.

The petitioner does not have criminal antecedents.

On these two grounds, it has been urged that the no offence under anyone of the provisions of the Excise Act can at all be said to have been made out against the petitioner.

For the reasons afore-stated, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with GO. Case No. 91 of 2020,



subject to the conditions as laid down under Section 438

(2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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