

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7796 of 2021**

Arising Out of PS. Case No.-269 Year-2020 Thana- MAHARAJGANJ District- Siwan

SONU MAHTO @ SONU KUMAR SON OF DASHRATH MAHTO R/O  
VILLAGE- RATAN PADAULI, P.S.- BHAGWANPUR, DISTRICT- SIWAN.  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh  
For the Opposite Party/s : Mr. Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      15-04-2021                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State, through Video  
Conferencing.

The petitioner seeks regular bail in connection with  
Bhagwanpur Hat Police Station Case No. 269 of 2020,  
disclosing offence under Sections 272/273 of the Indian Penal  
Code and Section 30 (a) of the Bihar Prohibition and Excise  
Act, 2016.

The allegation, as per the First Information Report, is  
that the police intercepted the motorcycle of the petitioner and  
recovered 53 litres of illicit country-made liquor, kept in bag  
tied with the motorcycle.

Learned Counsel for the petitioner submits that the  
petitioner has not committed any offence in the manner alleged  
and he has falsely been implicated in this case with oblique



motive. He next submits that the procedure prescribed for search and seizure under the Act as well as under Section 100 of the Code of Criminal Procedure, 1973 have not been followed. He next submits that the petitioner is in custody since 13.10.2020, having no criminal antecedent and charge sheet has already been submitted against the petitioner, as such there is no likelihood that the petitioner will abscond or tamper with the evidence. .

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 13.10.2020, having no criminal antecedent and charge sheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge -cum- Special Judge (Excise), Siwan, in connection with Bhagwanpur Hat Police Station Case No. 269 of 2020.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

|   |   |   |   |
|---|---|---|---|
| U | √ | T | √ |
|---|---|---|---|

