

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8485 of 2021

Arising Out of PS. Case No.-585 Year-2020 Thana- MAJHAULIA District- West Champaran

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RUPESH MAHATO SON OF LAKSHMI MAHATO VILLAGE
CHAINAINBANDH, P.S. MAJHAULIA, DISTT. WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2021 Heard Mr. Sanjeev Kumar Shrivastava, learned Advocate for the petitioner and Mr. Nirmal Kumar Sinha, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Majhauria P.S. Case No. 585 of 2020 dated 18.08.2020 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

732.78 litres of liquor is said to have been recovered at the instance of one Shambhu Mahto who is said to have named the petitioner.

The learned counsel for the petitioner has submitted that except for the confession of aforesaid Shambhu Mahto, there is no other material to connect the petitioner with the offence. The recovery has not



been made from his hut nor the petitioner has criminal antecedents.

On the basis of the aforementioned facts, it has been urged that the offence under the Excise Act cannot be said to have been made out against the petitioner.

For the reasons aforestated, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four 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 Special Judge, Excise, Bettiah, West Champaran in connection with Majhulia P.S. Case No. 585 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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