

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8135 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- MUSRIGHRARI District- Samastipur

UPENDRA MAHTO SON OF RAMNAND MAHTO Resident of Village -
Gangapur Ward No.8, P.s.- Musarigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, 120.750 liters of illicit foreign liquor has been recovered from the ditch of Litchi orchard and petitioner is alleged to have fled away from the spot.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of this petitioner. Petitioner is neither the owner of said orchard nor he has got any concern with the seized liquor and he is in custody since 03.12.2021.

Learned A.P.P. for the State has opposed the bail



petition and submitted that petitioner has got criminal antecedent and he is accused in one more case of similar nature.

Considering the aforesaid facts and circumstances as well as the fact that petitioner has got criminal antecedent of similar nature of case, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected. However, the learned court below, where the case is pending, is directed to release the petitioner on bail, **after framing of the charge.**

(Prabhat Kumar Singh, J)

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