

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35141 of 2021

Arising Out of PS. Case No.-405 Year-2019 Thana- NAANPUR District- Sitamarhi

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SUJIT KUMAR MAHTO @ SUJIT SON OF SHIVAJI MAHTO Resident of
Village- Dhanaur, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-01-2022 Heard Mr. Virendra Kumar, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with

Nanpur P.S. Case No. 405 of 2019 registered for the offence

punishable under Sections 30, 30(a), 38(i) (ii) and 41 of the

Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is

that the Police on the basis of secret information that some

persons have brought the consignment of illicit liquor,

proceeded towards the place of occurrence and recovered a

total quantity of 1718 litres of illicit liquor from ten wheeler

truck and a Magic pick up van. The owner book was kept in the



Magic pick up van, on the basis of which, the petitioner has been made accused.

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 on the basis of owner book recovered from the Magic pick up van. Learned counsel further submits that the petitioner has got no criminal antecedent and some of the co-accused persons have been granted bail by co-ordinate Benches of this Court in Cr. Misc. No. 15491 of 2020, 12969 of 2020, 13001 of 2020 and 15490 of 2020 respectively. He also submits that the pick up van was being driven by the driver and the petitioner was not aware about the illicit liquor being kept therein. The petitioner is in custody since 24.11.2020.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner has got no criminal antecedent, he is in custody since 24.11.2020, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bonds of Rs.20,000/-
(Twenty thousand) with two sureties of the like amount each to
the satisfaction of learned A.D.J.-II cum Special Judge, Excise
Act, Sitamarhi, in connection with Nanpur P.S. Case No. 405 of
2019.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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