

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30445 of 2021

Arising Out of PS. Case No.-195 Year-2020 Thana- DALSINGHSARAI District- Samastipur

DILIP MAHTO @ DILIP SINGH S/O RAM SAGUN MAHTO R/O
VILLAGE-MAALPUR KHATAI TOLL, WARD NO 08, P.S
DALSINGSARAI AND DISTRICT SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Prakash Sahay

For the Opposite Party/s : Mr. Khursid Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 23-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Dalsingsarai Police Station Case No. 195 of 2020, registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police recovered a total quantity of 765 litres
of illicit liquor from the house of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case inasmuch as
the the petitioner and his other family members do not reside in
the house from where the illicit liquor has been recovered and

the same is abandoned and in a dilapidated condition and the house is accessible to all and sundry. He further submits that at the time of search, the police did not adhere to the procedure prescribed under the provisions of the Bihar Prohibition and Excise Act, 2016 as well as the Code of Criminal Procedure, 1973. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner. He further submits that before lodging the present case, the petitioner was not having any criminal antecedent, but after lodging of the present case, the police has implicated the petitioner in two more cases, in which the petitioner has been granted bail by co-ordinate Bench of this Court, vide order passed in Criminal Misc. Nos. 29321 of 2021 and 28555 of 2021. He further submits that the petitioner is in custody since 23.01.2021 and charge sheet has been submitted against him and, as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioner, the petitioner is in custody since 23.01.2021, charge sheet has already been submitted and the

trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur, in connection with Dalsingsarai Police Station Case No. 195 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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