

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40686 of 2021

Arising Out of PS. Case No.-122 Year-2019 Thana- LALGANJ District- Vaishali

Baidya Nath Mahto @ Baidhnath Mahto S/O Shambhu Mahto @
Shambhunath Mahto R/O Village-Pakari Kanth, Ps-Lalgang, District-Vaishali

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party : Mr.VMK Sinha, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-02-2022 Heard learned counsel for the petitioner, the State and the case diary.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 30a and other allied sections of the Bihar Prohibition and Excise Act.

As per the prosecution case, 1704.96 liters of illegal wine was recovered from the orchard situated near Musahar Toli and two persons were apprehended from the place of recovery who disclosed that the said consignment of liquor was brought by this petitioner and his associates.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. Petitioner's name has come in the case during course of investigation in confessional statements of co-accused apprehended on the spot. He is in custody since 3.4.2021. Investigation is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that the petitioner has got criminal



antecedent and in the instant case, he has been found to be engaged in transportation of huge quantity of liquor.

Considering the rival submissions of the parties, materials available on the record and the quantity of recovery of liquor, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Excise Court, Vaishali at Hajipur in Lalganj Police Station Case No. 122 of 2019, **once the charge is framed in the case.**

(Prabhat Kumar Singh, J)

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