

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41019 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- ISUAPUR District- Saran

BIRENDRA MAHTO S/O LATE LAXMAN MAHTO R/O VILLAGE-DHAMA, P.S-ISSUAPUR, DISTRICT-SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 27-01-2022 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Issuapur P.S. Case No. 59 of 2021 for the offence registered under Sections 30, 30(a), 33 and 36 of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 720 litres of illicit spirit from the bushes situated in the bamboo orchard, behind the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 16.04.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases but he is on bail in one of the said cases and his petition for grant of bail is pending as far as the other case is concerned. The learned counsel for the petitioner



has also submitted that apparently the place from where the illicit spirit has been recovered does not belong to the petitioner.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the illicit spirit/country made wine has not been recovered either from the conscious possession of the petitioner or from a place belonging to the petitioner, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Issuapur P.S. Case No. 59 of 2021.

(Mohit Kumar Shah, J)

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