

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41480 of 2021**

Arising Out of PS. Case No.-164 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Jainath Mahto S/O Late Kailash Mahto Village-Kothiya Ward No.2, P.S-
Majorganj, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Ramchandra Sahn

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 Heard.

The petitioner seeks regular bail in connection with
C2 Case No. 164 of 2021, registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

The allegation is regarding recovery of 96 liters of
Nepali saufi wine from the petitioner while he was apprehended
by the SSB personnel on the Indo- Nepal Border.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 27.3.2021.

Per contra, the learned APP appearing for the State



has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration, I deem fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- 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 C2 Case No. 164 of 2021.

(Mohit Kumar Shah, J)

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