

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46719 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- CHAKAI District- Jamui

PUNIT MAHTO Son of Devan Mahto Resident of Village- Kewta, P.S.-
Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Chakai P.S. Case No. 91/20, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(A) of the Excise Act.

The allegation is regarding recovery of 504 liters of illicit liquor from a Bolero vehicle and one person, namely, Bablu Kumar, was arrested from the said vehicle. It is further alleged that the petitioner is the father of the said Bablu Kumar and he is in fact the owner of the said vehicle in question.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 28.6.2021. The learned counsel for the petitioner has further submitted that apart from the fact that the petitioner is the owner of the vehicle in question, from which illicit liquor has been recovered, the petitioner has got nothing to do with the illicit liquor recovered from the said vehicle. It is also submitted that the son of the petitioner was arrested by the police for the same offence, however, he has been granted bail by a coordinate Bench of this Court vide order dated 9.4.2021 passed in Criminal Miscellaneous No. 3471 of 2021.

Per contra, the learned APP 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 parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a coordinate Bench of this Court, apart from the fact that the illicit liquor has neither been recovered from the conscious possession of the petitioner nor from his house and the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II, Jamui in connection with Chakai P.S. Case No. 91/20.

(Mohit Kumar Shah, J)

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