

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47716 of 2021

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

DUKHIT MAHTO S/o RAMCHANDRA MAHTO R/o VILLAGE-DHAMA
PARSA, P.S-ISUAPUR, DISTRICT-SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2022 Heard.

The petitioner seeks regular bail in connection with Isuapur P.S. Case No. 59 of 2021, registered for the offence punishable under sections 272, 273 and 120(B) of the Indian Penal Code and Sections 30, 30(a), 33 and 36 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 720 liters of country made illicit liquor from a bamboo orchard situated behind the house of the co-accused person.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been



falsely implicated in the present case and is languishing in custody since 12.7.2021. The learned counsel for the petitioner has further submitted that though the petitioner is accused in two other cases, but he is on bail in the said two cases. It is also submitted that neither the petitioner has been arrested from the spot nor any illicit liquor has been recovered from his conscious possession nor the place from where the illicit liquor has been recovered, belongs to the petitioner.

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 parties and taking into account the materials available on record as also considering the fact that neither the place from where the illicit liquor has been recovered, belongs to the petitioner nor any illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the



petitioner to the privilege of regular bail.

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

(Mohit Kumar Shah, J)

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