

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48015 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- PHULPARAS District- Madhubani

NARESH MAHTO Son of Sri Prabhu Mahto Resident of Village - Mahuliya,
P.O.- Tilath, Ghoghardiha, P.S. - Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 07-02-2022 Heard learned counsel for the parties through video conferencing.

Petitioner seeks regular bail in connection with Phulparas P.S. Case No. 70 of 2021, G.R. No. 238 of 2021 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that the Police on the basis of secret information proceeded towards the place of occurrence and found that two trucks were standing near a *Dhaba* and upon seeing the Police party the persons standing near the trucks started fleeing away. The petitioner along with five others were arrested and a total quantity of 4635.360 litres



of illicit liquor has been recovered from both the trucks and one co-driver / Rishikant Baghel was also arrested.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the Police with oblique motive and he has not committed any offence in the manner alleged inasmuch as he had gone for a cup of tea in the *Dhaba* and was arrested by the Police. Learned counsel further submits that the petitioner has got no criminal antecedent, he is neither the owner nor the driver of the trucks from which illicit liquor was recovered. He next submits that no illicit liquor has been recovered either from conscious possession of the petitioner or from the vehicle belonging to him. The petitioner is in custody since 10.02.2021 and similarly situated co-accused Rishikant Bhagel @ Rishikant Bansal (co-driver) and Babloo Kumar Yadav have been granted bail by this Court in Cr. Misc. No. 32591 of 2021 and Cr. Misc. No. 35359 of 2021 respectively.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is neither the owner nor the driver of the trucks in question, he is in custody since 10 / 2 / 2021 having no criminal antecedent and similarly situated co-accused have been



granted bail by this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II -cum -Special Judge, Excise Act, Madhubani in connection with Phulparas P.S. Case No. 70 of 2021, corresponding to G.R. No. 238 of 2021 .

praful/-

(Anil Kumar Sinha, J)

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