

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49380 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- BIBHUTIPUR District- Samastipur

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RANJEET MAHTO Son of Uttam Lal Mahto @ Uttim Lal Singh Resident of
Village - Ward no.08, Bisahiya, P.S.- Vibhutipur, Distt.- Samastipur, Bihar
848236

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Choudhary, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Sri Ajay Kumar No. 2.

The petitioner seeks regular bail in connection with Bibhutipur P.S. Case No. 90/2021 (GR No. 331/2021), registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.



As per the case of the prosecution, a vehicle was apprehended and searched whereupon, 3960.720 liters of illicit foreign liquor was recovered. It is also alleged that the petitioner was identified by the chaukidar while he was fleeing away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 4.4.2021. The learned counsel for the petitioner has further submitted that neither the petitioner has been arrested from the spot nor any incriminating article has been recovered from his possession. It is further submitted that the petitioner has got no concern either with the seized liquor or with the vehicle in question. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 4.1.2022 passed in Criminal Miscellaneous No. 36667 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 neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the vehicle in question does not belong to the petitioner, 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 Session Judge-2 cum Special Judge (Excise), Samastipur in connection with Bibhutipur P.S. Case No. 90 of



2021 (GR No. 331 of 2021).

(Mohit Kumar Shah, J)

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