

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45214 of 2022

Arising Out of PS. Case No.-23 Year-2020 Thana- DALSINGHSARAI District- Samastipur

RAM KARAN MAHTO Son of Ramchandra Mahto Resident of Village -
Mokhtiyarpur Salkhanni, P.s.- Dalsinghsarai, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 31-08-2022 Heard Mr. Mirtyunjay Kumar Mishra, learned
counsel for the petitioner and Mr. Tapeswar Sharma, learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Dalsinghsarai P.S. Case No. 23 of 2020 registered for the
offences punishable under Sections 30(a) and 41(1) of Bihar
Prohibition and Excise Act, 2016.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail
application of the petitioner was rejected by this Court vide
order dated 21.01.2022 passed in Cr. Misc. 39366 of 2021
with liberty to renew his prayer for grant of regular bail after
three months.

As per the prosecution case, the Police on the basis



of secret information that petitioner along with other accused persons have brought consignment of liquor and the same was being unloaded, proceeded towards the place of occurrence and recovered a total quantity of 2019 litres of illicit liquor.

Learned counsel for the petitioner submits that from perusal of the seizure list it would be evident that illicit liquor has been recovered from the flank of the village road and the petitioner has been identified by the Police in the torch light while he along with other accused persons was fleeing away from the place of occurrence. He next submits that the petitioner is in custody since 12.12.2020. No liquor has been recovered from the possession of the petitioner.

Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner is in custody since 12.12.2020, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence, 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.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.II-cum Special Judge, Excise Act, Samastipur, in connection with Dalsinghsarai P.S. Case No. 23 of 2020.

(Anil Kumar Sinha, J)

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