

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47955 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- CHANDAN District- Banka

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Banti Mahto Son of Ram Charitra Mahto Resident of Village - Yadubansh Nagar (Jodhadih), Near Solayidih talab, P.s.- Chas, Distt.- Bokaro (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Special Excise no. 324 of 2022 arising out of Chandan P.S. Case No. 62 of 2022 lodged under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Amendment Act 2018.

As per the prosecution case, the total recovery of 1011.855 litres foreign liquor is subject matter of this case.

Learned counsel for the petitioner submits that the said recovery has alleged to be made from a truck and a Maruti car. Learned counsel for the petitioner submits that he is neither owner nor driver or *khalasi* of those vehicles. Learned counsel

further submits that petitioner is in custody since 28.05.2022, charge sheet has already been filed in this case. Learned counsel further submits that he is having clean antecedent. Learned counsel further submits that the other co-accused who were apprehended from the place of occurrence were granted bail by Co-ordinate Bench of this Court vide order dated 05.08.2022, 11.08.2022 and 23.09.2022 passed in Cr. Misc. No. 28088 of 2022, Cr. Misc. No. 29169 of 2022 and Cr. Misc. No. 40712 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-II Banka in connection with Special Excise no. 324 of 2022 arising out of Chandan P.S. Case No. 62 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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