

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60928 of 2021**

Arising Out of PS. Case No.-96 Year-2021 Thana- KANHAULI District- Sitamarhi

PAPPU KUMAR S/O RAM LAKSHMAN MAHTO @ RAM LAKSHMAN
MAHTO R/o village- Phulkaha @ Phulkahan, P.S.- Kanhauli, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-06-2022 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Kanhauli PS case no. 96 of 2021 instituted for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Act, 2016.

The allegation is regarding recovery of 444.375
liters of illicit liquor from a tempo and from a bamboo clump
kept near the road in question. It is also alleged that the
petitioner was arrested from the place of occurrence.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent and



is languishing in custody since 12.07.2021. The learned counsel for the petitioner has referred to paragraph no. 11 of the present petition to submit that since the tempo in question does not belong to the petitioner, the petitioner is not having any complicity in the matter. The learned counsel for the petitioner has further submitted that the petitioner was merely a passer-by and on suspicion, he has been arrested by the police.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that the petitioner is not the owner of the tempo from which the illicit liquor has been recovered, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.D.J. II-cum-Special Judge,



Excise Act, Sitamarhi in connection with Kanhauli PS case no.
96 of 2021.

(Mohit Kumar Shah, J)

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