

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65964 of 2021

Arising Out of PS. Case No.-128 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SANJAY MAHTO Son of Late Ghanai Mahto Resident of Mohalla - Purani
Gudri, P.S.- Muzaffarpur Town, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad
For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Muzaffarpur Town Police Station Case No. 128 of 2021,
registered for the offence punishable under Sections 272/273/34
of the Indian Penal Code and Section 30(a) of Bihar Prohibition
& Excise Act 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information, that
the petitioner, along with other co-accused persons, used to sell
illicit liquor, proceeded towards the place of occurrence and on
seeing the police, three persons started fleeing away, but the
police apprehended two persons, namely, Ramji Kumar and Md.



Pappu and recovered 20 litres of illicit liquor from the possession of co-accused Ramji Kumar kept in a bag and 20 litres of illicit liquor from the hutment of co-accused Md. Pappu.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that nothing has been recovered from the possession of the petitioner; rather the illicit liquor has been recovered from the conscious possession of co-accused Ramji Kumar and from the hutment of co-accused Md. Pappu. He further submits that the name of the petitioner has transpired on the basis of the disclosure of his name by the arrested co-accused persons. He further submits that co-accused Md. Pappu has been granted bail by this Court, vide order, dated 22.12.2021, passed in Criminal Misc. No. 33755 of 2021. He further submits that the petitioner is in custody since 05.09.2021, having no criminal antecedent and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact



that nothing has been recovered from the possession of the petitioner, co-accused has been granted bail by this Court, he is in custody since 05.09.2021 having no criminal antecedent, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Muzaffarpur Town Police Station Case No. 128 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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