

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66339 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- ISUAPUR District- Saran

SAROJ MAHATO SON OF RADHAN MAHATO RESIDENT OF
VILLAGE - DHAMA PARSA, P.O- AMARDAH , P.S- ISHUAPUR, DIST-
SARAN AT CHAPRA, PIN CODE- 841421

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhen Sarkar

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2022 Heard.

The petitioner seeks regular bail in connection with Ishuapur P.S. Case No. 59 of 2021, registered for the offence punishable under sections 272, 273, 120(B) of the Indian Penal Code and Sections 30, 30(a), 33, 36 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 720 liters of illicit spirit from behind the house of the co-accused person namely Birendra Mahto.

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 20.9.2021. The learned counsel for the petitioner has further submitted that no illicit liquor has been recovered either from the conscious possession of the petitioner or from his house, as has been stated in paragraph no. 9 and 10 of the present petition.

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 parties and taking into account the materials available on record as also considering the fact that no illicit liquor has been recovered either from the conscious possession of the petitioner or from the house of the petitioner, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like



amount each to the satisfaction of learned II
Additional Sessions Judge cum Special Judge,
Excise, Saran at Chapra in connection with
Ishuapur P.S. Case No. 59 of 2021.

(Mohit Kumar Shah, J)

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