

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71128 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- KHUTAUNA District- Madhubani

LAXMAN MAHTO @ LAKSHMAN MAHTO S/o Late Ramdeo Mahto R/o
village- Siktiyahi, P.S.- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Shubham, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Khutauna P.S. Case No. 127 of 2020 registered for the offences
punishable under Sections 272/273 of the Indian Penal Code
1860 and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

Upon disclosure of co-accused Rahul Yadav that the
petitioner and other accused persons are indulged in trade of
illicit liquor, the Police recovered 375.300 litres of *Nepali*
country made liquor from the Sumo vehicle of co-accused
Rahul Yadav, 757.200 litres of *Nepali* liquor from the place of
the petitioner near the Pond and 439.625 litres of *Mahula* liquor
have been recovered from the thatched hutment of the



petitioner, co-accused Lalit Mahto and Baijyanath Mahto.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. She further submits that all the three places from where the illicit liquor has been recovered do not belong to the petitioner. No illicit liquor either from the conscious possession of the petitioner or the premises belonging to him has been recovered. The petitioner is in custody since 29.10.2021 having clean antecedent and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that no illicit liquor has been recovered either from the conscious possession of the petitioner or from his hutment, the petitioner is in custody since 29.10.2021 having clean antecedent and charge sheet has already been submitted, 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum - Special Judge, Excise Act,



Madhubani, in connection with Khutauna P.S. Case No.
127/2020.

(Anil Kumar Sinha, J)

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