

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9754 of 2023

Arising Out of PS. Case No.-737 Year-2020 Thana- MAHUA District- Vaishali

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GOPAL MAHTO Son of Arjun Mahto R/V- Mahua Singh Ray, Mahua Kali
Ashthan P.S- Mahua, Dist- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar

For the Opposite Party/s : Mr. Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30(a), 32(ii), 34(ii), 38(ii), 41(I) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of huge quantity of total 3276 liters illicit foreign liquor from three different vehicles and the allegation has been made against the petitioner is of indulging in the illegal trade of liquor.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. A statement has been made in para-3 of the petition that the



petitioner has got no criminal antecedent. Petitioner has no concern with the alleged recovery of illicit liquor or with the vehicles in question. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession rather his name has transpired in this case on the basis of disclosure made by co-accused who was apprehended on spot. Moreover, the petitioner is languishing in judicial custody since 6.12.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahua P.S. Case No. 737 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court IInd, cum-A.D.J., Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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