

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8791 of 2023

Arising Out of PS. Case No.-1128 Year-2022 Thana- MADHEPURA District- Madhepura

1. Chandan Mahto Son Of Shashi Mahto R/O Village- Jorgama, Ward No.02, P.S.- Murliganj, District- Madhepura
2. Ritesh Kumar Son Of Jaleshwar Yadav R/O Village- Tamot Parsa, Ward No.07, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 102 litres of country made liquor from motorcycle. The petitioners are alleged to be driver and pillion rider of the motorcycle.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely



been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is languishing in judicial custody since 28.11.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P. vehemently opposed the prayer of bail and submitted that petitioner No. 1, namely, Chandan Mahto is pillion rider and petitioner No. 2, namely, Ritesh Kumar is the driver of the motorcycle in question.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period under custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge V-cum-Special Judge, Excise 1st, Madhepura in



connection with Madhepura (Bhharrahi O.P.) P.S. Case
No. 1128 of 2022.

The petitioner No. 2, namely, Ritesh Kumar
is directed to deposit a sum of Rs. 10,000/-(Rupees Ten
Thousands) in the concerned District Legal Services
Authority.

The bail bond of the petitioner No. 2, namely,
Ritesh Kumar shall be accepted by the learned Court
below on showing receipt of deposit of Rs. 10,000/-
(Rupees Ten Thousands) in District Legal Services
Authority of concerned District.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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