

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13236 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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DEEPAK MAHTO @ BHAGIRATH MAHTO S/O- Late Kublal Mahto R/o
Village- Jaridih Basti, P.S.- Gandhi Nagar, Distt- Bokaro (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-05-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. At the outset, it is submitted by learned counsel for
the petitioner that facts of paragraph No. 8 of this petition,
which are concerned to other case, have been wrongly
mentioned in this petition, hence permission is required to delete
the said paragraph as the same is not relevant to the present
matter.
3. Permission is accorded.
4. Petitioner seeks regular bail in connection with Banka
Excise/Complaint Case No. 331 of 2022, dated 27.12.2022
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.



5. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of 1112.400 litres of *foreign liquor* and the same is stated to have been recovered from a *Bolero Pick Up* vehicle and petitioner is stated to have been found as the driver of the said vehicle when the alleged vehicle was recovered, in fact the said vehicle loaded with the alleged wine was handed over to him by one person with a request to take the vehicle to Bhagalpur and the petitioner, believing him, took the said vehicle and he did not have any knowledge of the loaded articles in the said vehicle and he was *bonafidely* riding in the said vehicle in the capacity of driver. Further submissions are that the petitioner has been languishing in jail since 26.12.2022 having fair and clean antecedent and against him the investigation has been completed.

6. Learned APP appearing for the State has opposed the prayer for bail.

7. Considering the above submissions and mainly petitioner's fair and clean antecedent, completion of investigation against him, his custody period and his above defence, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail



on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Banka Excise/Complaint Case No. 331 of 2022.

(Shailendra Singh, J.)

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