

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17884 of 2023

Arising Out of PS. Case No.-133 Year-2021 Thana- DHANARUA District- Patna

ARJUN MAHTO Son of Sri Jagdish Mahto R/V- Palu P.S- Ramgrah Dist-
Ramgrah (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner prayed for regular bail in connection with Dhanarua P.S. Case no. 3237 of 2021 instituted for the offence under Sections 30(a), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act.

The prosecution case relates to recovery of total 1268.475 liters foreign made liquor from a truck bearing Reg. No. CG04JB-4209. It is further alleged that three co-accused persons were apprehended on the spot.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner being owner of the



alleged truck has falsely been implicated in this present case. Petitioner has no concern with the alleged recovery nor any incriminating article has been recovered from his conscious possession. He has got no criminal antecedent. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 11.03.2022 passed in Cr. Misc. No. 52909 of 2021. The petitioner is languishing in judicial custody since 23.11.2022.

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

The petitioner is directed to deposit a sum of Rs 30,000/- (Thirty Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dhanarua P.S. Case No. 133 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Speicial Judge Excise, Patna.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs. 30,000/- (Rs. Thirty thousand) by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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