

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25316 of 2023

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

Salo Da @ Ajit Mahto Son Of Ramswarup Mahto @ Ramrup Mahto Resident
Of Village - Saithna, P.S.- Halsi, District - Lakhisarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 15-05-2023 **1.** Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
- 2.** Heard learned counsel for the petitioner and the learned APP for the State.
- 3.** Petitioner seeks regular bail in connection with Malaypur P.S. Case No. 58 of 2021 dated 09.04.2021 registered for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Sections 30(a), 36 and 41(1) of Bihar Prohibition and Excise Act.
- 4.** The main submissions advanced by learned counsel for the petitioner are that the instant matter relates to the recovery of 90 litres of *country made foreign liquor* and the



same is stated to have been recovered from a car (*Maruti Suzuki Dzire*) and as per the allegation, four co-accused persons were arrested from the said vehicle with the alleged liquor and the petitioner is not named in the FIR and his name was disclosed by co-accused namely Vikas Kumar Modi @ Vikas Kumar, who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 69169/2021 and the petitioner was remanded in the present matter from another P.S. Case and he has been languishing in jail since 14.02.2023 and he is neither owner nor driver of the said seized vehicle from which the alleged liquor was recovered and against him, the investigation has been completed. Further submission is that another co-accused namely Uttam Kumar @ Uttam has been granted anticipatory bail by another co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 56657/2021.

5. Learned APP appearing for the State opposes the bail prayer.

6. Considering the above submissions and mainly the facts that the petitioner was not apprehended from the alleged vehicle from which the alleged liquor was recovered and petitioner's name came into light in the statement of apprehended co-accused Vikas Kumar Modi @ Vikas Kumar,



who is on bail and against the petitioner, the investigation has been completed, 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 Court concerned in connection with Malaypur P.S. Case No. 58 of 2021.

(Shailendra Singh, J)

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