

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41953 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- ARARIA District- Araria

Abhimanyu Mahto Son of Late Ram Narayan Mahto @ Narayan Mahto
Resident of village - Satkoderia, P.s. - K. Nagar, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Araria (Bairgachhi) P.S. Case No. 122 of 2023 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 19.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 1014.12 litres of IMFL/country made liquor
from alleged vehicle.

6. Learned counsel appearing on behalf of the



petitioner submitted that the implication of petitioner is only for the reason that he is the owner of alleged vehicle, from which alleged illicit liquor was recovered, where nothing incriminating surfaced during the course of investigation, as to connect him with recovered illicit liquor. It is submitted that the name of petitioner surfaced on the basis of disclosure made by co-accused, who was his driver. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as implication only appears being owner, where no recovery of alleged illicit liquor was made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Araria (Bairgachhi) P.S. Case No. 122 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Judge Excise No. 1, Araria/concerned court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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