

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43302 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Sunil Kumar Mahto @ Sunil Mahto Son Of Late Basdev Mahto Resident Of
Village- Singhia Bujurg Uttar, Ward No. 8, Ps- Bibhutipur, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-07-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition & Excise Act.

There is recovery of 130.560 litres of illicit
Indian made foreign liquor from the house of the
petitioner.

It is submitted by learned counsel for the
petitioner that petitioner is innocent and he has falsely
been implicated in this case. Nothing has been recovered



from the conscious possession of the petitioner. The petitioner was not apprehended from the spot. The seized motorcycle does not belong to the petitioner. The alleged seizure of illicit liquor was prepared in absence of any independent witness, which is clear violation of the mandatory provision of Section 100 of the Cr.P.C. The petitioner is languishing in custody since 17.03.2023.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Samastipur in connection with Bibhutipur P.S. Case No. 302 of 2022.

(Sunil Kumar Panwar, J)

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