

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64111 of 2023

Arising Out of PS. Case No.-428 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Birju Mahto S/O- Tallu Mahto Village- Chak Salem Mushari Tol Ps- Shahpur
Patori Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Adv

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Patori P.S. Case no. 428 of 2023 registered under sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 80 litres of country liquor was recovered in sacks from the house of the petitioner.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No such recovery has taken place from the petitioner's possession or his house. Referring to the seizure list which is part of the FIR, learned counsel for the petitioner submits that the place of recovery stated in column no. 2 thereof is only village Chak Salem Mushari Tol and not the house of the petitioner. The



petitioner is in custody since 01.07.2023 and has no criminal antecedent.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the contents of the seizure list, the petitioner having remained in custody since 01.07.2023, charge-sheet having been submitted in the case and the petitioner not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Patori P.S. Case no. 428 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Special Judge (Excise), Samastipur.

(Partha Sarthy, J)

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