

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65521 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- KHANPURA District- Samastipur

Ram Kalesh Mahto @ Bambam @ Ramkalesh Prasad, aged about 32 years (Male), son of Satrudhan Mahto, resident of village- Hariyabad Chaka, PS- Khanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Khanpur PS Case No.122 of 2023 dated 13.05.2023, instituted under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 151.560 litres illicit liquor from the banana orchard and motorcycle bearing registration no. BR 33 AQ 6487.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has not been arrested at the spot. Only on the basis of disclosure made by the *Chaukidar*, the petitioner has been made accused in this case.



Learned counsel further submitted that the petitioner is not the owner of the seized motorcycle. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-1, Samastipur, in Khanpur PS Case No.122 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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