

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70076 of 2023

Arising Out of PS. Case No.-378 Year-2021 Thana- MOKAMAH District- Patna

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GULO MAHTO, Male, age 35 years, Son of Late Tulo Mahto @ Late Tuli Mahto Resident of Village - Chatrapura, P.S. - Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar .

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Shashank Shekhar, learned counsel appearing on behalf of the petitioner and Mr. Lakshmi Kant Sharma, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mokama P.S. Case No. 378 of 2021 dated 22.11.2021 registered for the offence(s) punishable under Section 30(a)(c) of the Bihar Prohibition and Excise Act

3. As per the allegation made in the FIR, 20 litres of country made liquor was recovered from *Chhatarpura Bind Toli Ganga Diara*.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has been



falsely implicated in this case. It is further submitted that alleged recovery of illicit liquor has been made near a river and petitioner is not involved in either manufacturing or trade of illicit liquor. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation and also the fact that illicit liquor was not recovered from the conscious possession of the petitioner, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Barh in connection with Mokama P.S. Case No. 378 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in



paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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