

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69976 of 2022**

Arising Out of PS. Case No.-537 Year-2021 Thana- BHAGWAN BAZAR District- Saran

DILIP MAHTO @DILIP KUMAR @ DILIP S/o Late Lal Babu Mahto R/o  
Mohalla- Roopganj Adda No- 2, P.S.- Chhapra Town, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      09-02-2023                      Heard   the   learned   counsel   for   the  
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Excise Trial No. 1953 of 2021 arising out of Bhagwan Bazar P.S. Case No. 537 of 2021, registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a) and 37(c) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 193.800 litres of illicit liquor from a Maruti Suzuki car and various quantities of illicit liquor from other places. As far as Maruti Suzuki car is concerned, its



driver, namely, Raja was arrested and upon interrogation he had disclosed that the liquor was to be delivered to the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 18.10.2022. The learned counsel for the petitioner has further submitted that only since the petitioner is an accused in eight other similar type of cases, he has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the bad antecedent of the petitioner, though I am not inclined to grant bail to the petitioner, at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail, immediately



upon framing of charges by the learned trial court subject to such conditions as may be deemed fit and appropriate to be imposed by the learned court of Additional Sessions Judge-2nd-cum-1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Excise Trial No. 1953 of 2021 arising out of Bhagwan Bazar P.S. Case No. 537 of 2021.

The petition stands disposed off with the aforesaid observations and directions.

**(Mohit Kumar Shah, J)**

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