

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74066 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- WARISNAGAR District- Samastipur

RAM NATH MAHTO Son of Late Ramakant Mahto R/o Vill - Purnahi,
Madhotola, P.S. - Warisnagar, Distt. - Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivek, Advocate
		Mr. Abhijeet Gautam, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Warisnagar P.S. Case no.36 of 2023 registered under section 30(a) of the Bihar Prohibition & Excise Act, 2016 to which sections 25(1-B)(a), 26 and 35 of the Arms Act were added subsequently.

3. As per the prosecution case, 5.625 litres of IMFL was recovered from the house of the petitioner. The petitioner managed to escape.

4. Learned counsel for the petitioner submits that no incriminating article has been recovered from the petitioner's possession. It appears that in course of investigation the provisions of Arms Act were added to the F.I.R vide order dated 13.8.2023 passed by the learned Special Judge Excise no.2. It is



categorically stated that no incriminating article has been recovered from the petitioner's possession. He is in custody since 13.8.2023 and charge-sheet has been submitted in the case.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R, the petitioner having remained in custody since 13.8.2023, not having any criminal antecedent and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Warisnagar P.S. Case no.36 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 Special Judge Excise-02, Samastipur.

(Partha Sarthy, J)

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