

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67212 of 2022

Arising Out of PS. Case No.-727 Year-2021 Thana- SARAIYA District- Muzaffarpur

RAM DEO MAHTO @ RAMDEO MAHTO Son of Janki Mahto @
Jaleshwar Mahto R/V- Rupauli, P.S- Saraiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Saraiya P.S. Case No. 727 of 2021, for the offence registered under Sections 272, 273, 284, 328, 307, 302/34 and 120(B) of the Indian Penal Code and Sections 30(a), 30(c) and 37(b) of Bihar Prohibition and Excise Act.

The case of the prosecution, according to the informant, is that on 27.10.2021, a party was organized at the house of one Dhiresh Kumar, in the evening, on account of one Amit Kumar having won Panchayat Election, 2021 and in the said party the guests had consumed illicit liquor, resulting in



death of two persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 14.08.2022. The learned counsel for the petitioner has further submitted that the name of the petitioner has been falsely roped in the present case merely on suspicion and on the statement of the Chowkidar who has stated that the petitioner and others used to engage in sale/purchase of illicit liquor, however, it is submitted that neither any illicit liquor has been recovered from the petitioner nor any evidence has come on record to show that the petitioner was engaged in manufacturing of illicit liquor. It is also submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 05.09.2022 passed in Criminal Miscellaneous No. 6891 of 2022 and in Criminal Miscellaneous No. 38217 of 2022.



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 parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No.-II, Muzaffarpur in connection with Saraiya P.S. Case No. 727 of 2021.

(Mohit Kumar Shah, J)

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