

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73338 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

VINOD MAHTO S/O RAM CHARITRA MAHTO R/O
VILLAGE/MOHALLA- BALOOGHAT CHAKNIZAMGANJ, NEAR SHIV
MANDIR, NAKA NO. 2, PS. LALIT NARAYAN MITHILA UNIVERSITY,
DIST. DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. Allegedly, 132 litres of Nepali liquor has been recovered from the Chachar house of the petitioner. Seeing the police party, one person started fleeing away and got succeeded in the same. The nearby people disclosed the name of the petitioner as escaped person.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence.



No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He has no concern with the alleged Chachar house. He was not apprehended on the spot. He had not consumed liquor. There is violation of Section 100 of Cr.P.C. There is nothing on record to indicate the complicity of the petitioner. He has been made accused in the present case merely on the basis of the statement of local people. Petitioner has one criminal antecedent of similar nature that of the present case as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below



within a period of six 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 Court below where the case is pending/successor Court in connection with Lalit Narayan Mithila University P.S. Case No. 200 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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