

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68674 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- TERHAGACHH District- Kishanganj

GANGA PRASAD MAHTO @ GANGA RAM Son of Late Kusum Lal
Mahto R/v- Dhata P.S.- Sikti District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner seeks regular bail in connection with Tedhagachh P.S. Case No. 53 of 2022, giving rise to Special Case No. 883 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 322.800 liters of illicit Nepali country made liquor from a *kabristan* and the petitioner is stated to have been arrested from the spot.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 10.9.2022. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case merely on suspicion.

Per contra, the learned APP 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 period of incarceration of the petitioner herein, apart from the fact that he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District Judge-II-
cum-Special Judge (Excise)-I, Kishanganj in
connection with Tedhagachh P.S. Case No. 53 of
2022, giving rise to Special Case No. 883 of 2022.

(Mohit Kumar Shah, J)

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