

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71588 of 2022

Arising Out of PS. Case No.-677 Year-2020 Thana- CHANPATIA District- West Champaran

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GHARBHARAN MAHTO SON OF LATE PRABHU MAHTO R/O
VILLAGE- GARBHUWA LALA TOLA, P.S.- SIRISIYA O.P., DISTRICT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner seeks regular bail in connection with Chanpatia (Sirisiya O.P.) P.S. Case No. 677 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 10 liters of illicit liquor from the river embankment.

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 21.9.2022. The



learned counsel for the petitioner has further submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the place from where the illicit liquor has been recovered belongs to the petitioner and he has been falsely implicated in the present case merely since he is an accused in five other criminal cases of similar nature.

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 fact that the petitioner is having a bad antecedent, 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 proper to be imposed



by the learned court of Exclusive Special Excise Judge, Bettiah, West Champaran in connection with Chanpatia (Sirisiya O.P.) P.S.Case No. 677 of 2020.

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

(Mohit Kumar Shah, J)

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