

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72095 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Suresh Mahto @ Suresh Narayan Mahto Son Of Surya Narayan Mahto R/O
Village- Kamraon, P.S.- Dalsingsrai, Dist.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-11-2023 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 (Amendment) Act, 2022.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 495 liters of foreign liquor is said to have been recovered from Bolero Pick up van. Petitioner has no concern either with the seized liquor or the van of recovery 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. Petitioner's



vehicle is commercial vehicle having valid permit and used on rental basis taken by co-accused driver Suraj Kumar. There is violation of Section 100 Cr.P.C. He was not apprehended on the spot. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

4. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

5. Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, 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 Dalsingsarai P.S. Case No. 311 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that



- (i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (iii) The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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