

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73901 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- SUPPI District- Sitamarhi

SANJAY MAHTO @ LALWA Son of Govind Mahto R/v- Basant Khurd,
P.S.- Suppi, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Suppi P.S. Case No. 76 of 2022, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 234 liters of illicit liquor from a motorcycle and from a ditch and the petitioner is alleged to have fled away 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 and he is languishing in custody since 30.08.2022. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case on account of his bad antecedent, however, the fact is that neither the place from where the illicit liquor has been recovered belongs to the petitioner nor the petitioner has been apprehended from the spot nor any illicit liquor has been recovered from the conscious possession of the petitioner, hence, the petitioner is not having any complicity in the matter.

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 neither the petitioner has been arrested from the spot nor any illicit liquor has been



recovered from the conscious possession of the petitioner, 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 Exclusive Special Excise Court-1, Sitamarhi/concerned court in connection with Suppi P.S. Case No. 76 of 2022.

(Mohit Kumar Shah, J)

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