

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81222 of 2023**

Arising Out of PS. Case No.-106 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Bipin Kumar @ Bipin Kumar Mahto @ Vipin Kumar Son Of Late Ram  
Suresh Mahto @ Late Suresh Mahto Resident Of Village- Chakhabib Turki,  
Ward No. 7, Ps- Bibhutipur, Distt- Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                     |
|--------------------------|---|---------------------|
| For the Petitioner/s     | : | Mr.Dilip Kumar Roy  |
| For the Opposite Party/s | : | Mr.Md. Nazir Ansari |

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      15-12-2023                      Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 272, 273, 420, 467, 468, 471, 120B of the Indian Penal Code and Sections 30(a)(b), 32, 41, 62 of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to recovery of 1439.250 liters foreign from the pickup van and house of the petitioner the alleged vehicle along with other vehicles was standing near the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this



present case merely on the basis of suspicion. The petitioner has no concern with the alleged recovery and he was also not apprehended from the place of recovery. No any incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 12.09.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bibhutipur P.S. Case No. 106 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-I, Samastipur.

**(Sunil Kumar Panwar, J)**

manishkumar/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

