

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12654 of 2024**

Arising Out of PS. Case No.-347 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Vikash Kumar Mahto @ Vikash Kumar @ Vikesh Kumar Son of Shivshankar  
Mahto R/o Gram Desri, ward no. 12, P.s. - Bhibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      27-02-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in Bibhutipur P.S. Case  
No. 347 of 2023, instituted for the offences punishable under  
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 160.560  
liters liquor was recovered from one car and the petitioner was  
apprehended on spot.

4. Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in the present case.  
Charge-sheet has been submitted in this case. No incriminating  
material has been recovered from the conscious possession of  
the petitioner. The petitioner has got no concern with the alleged



recovery of liquor. It is further submitted that the petitioner is neither owner nor driver of the seized vehicle. The petitioner is in custody since 05.09.2023 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released 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 Court below/concerned Court in connection with Bibhutipur P.S. Case No. 347 of 2023.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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