

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7951 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- JALE District- Darbhanga

Sanjeet Mahto @ Sanjeet Kumar Mahto @ Bhim S/O Ram Chandra Mahto
R/O Village- Ghoghraha, P.S- Jalley, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Adv.

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Jalley
P.S. Case No. 135 of 2023 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
Section 414 of the I.P.C.

3. As per prosecution case, the police, on receipt of
secret information, started to check the vehicle. On seeing the
checking, one Bolero vehicle started to flee away from there. On
being chased by the police, one of the accused persons was
arrested and other two persons managed to flee away from the
scene. On query, he disclosed his name as Raj Kumar. He also
disclosed the name of two other persons as Dharmendra Sav



(driver) and Sanjeet Mahto (the present petitioner). On search, the police recovered altogether 90 liters Nepali liquor from the vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner was not arrested at the spot and his named has sprung in this case only on the basis of the confession made by the arrested person/Raj Kumar with whom the petitioner has land dispute. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. The petitioner has no concern with the seized liquor or the vehicle, in question. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 14.12.2023.

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

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent,



let the petitioner, abovenamed, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten thousand) with two sureties of
the like amount each to the satisfaction of Court
below/concerned Court in connection with Jalley P.S. Case No.
135 of 2023.

(Rudra Prakash Mishra, J)

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