

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9384 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- BAKHARI District- Begusarai

Bhajan Mahton @ Jitendra Mahton @ Jitendra kumar S/o Mantun Mahto R/o
Vill - Gamaharia, P.S. - Nawkothe, Dist. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bakhri
P.S. Case No. 405 of 2023 instituted for the offences under
Sections 120(B) of Indian Penal Code and Sections 30(a), 32, 41
of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that total 891 litres
illicit English wine was recovered from the pickup van.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Petitioner has no concern with the
alleged recovery of liquor. Learned counsel further submitted



that petitioner is neither the owner nor the driver of the said vehicle. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.01.2024 and has three criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. 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, **after submission of the charge-sheet, if not already submitted** 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 Bakhri P.S. Case No. 405 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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