

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11145 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Ramlal Mahto S/O Late Avadh Mahto R/O Village- Gangapur, Ps.-
Musrigharari, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shanker Singh, Adv.

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

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

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Musrigharari P.S. Case No. 179 of 2023 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
Act, 2022.

3. As per prosecution case, the police has recovered
altogether 36.840 liter illegal foreign liquor from the toilet room
situated behind the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case due to enmity. He further submits that nothing
incriminating has been recovered from the conscious possession



of the petitioner. The petitioner has no concern with the seized liquor. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application in which he is on bail. 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 06.11.2023.

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, 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 Musrigharari P.S. Case No. 179 of 2023.

(Rudra Prakash Mishra, J)

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