

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10829 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Bhajan Mahton @ Jitendra Mahton @ Jitendra Kumar S/o Mantun Mahto
Resident of Village- Gamaharia, P.S.- Naokothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Adv.
Mrs. Namita Sharma, Adv.
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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**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

Naokothi P.S. Case No. 188 of 2023 instituted for the

offences under Sections 120(B) of the Indian Penal Code

read with Sections 30(a), 32, 41 of the Bihar Prohibition and

Excise Act, 2018.

3. As per prosecution case, the police has recovered

altogether 900 liter foreign liquor from the road in front of

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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has three criminal antecedents 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 03.01.2024.

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

7. 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 Naokothi P.S. Case No. 188 of 2023, subject to following conditions:-

(i) One of the bailors shall be own/close member of



the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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