

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15548 of 2024

Arising Out of PS. Case No.-623 Year-2023 Thana- Excise P.S. District- Saran

Phulena Mahto Son of Badari Mahto @ Badri Mahto R/o Village/Mohalla-
Raural Tola, P.S.- Chapra Town, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Excise P.S. Case No.
623 of 2023, instituted for the offences punishable under
Sections 30(a)(c), 32(iii) and 45 of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 15 liters
liquor was recovered from an open place 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 had gone there in morning walk and became victim of the circumstances. The petitioner is in custody since 07.12.2023 and has got one criminal antecedent in which the petitioner is on bail. 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 Excise P.S. Case No. 623 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

