

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16030 of 2024**

Arising Out of PS. Case No.-101 Year-2023 Thana- KALYANPUR District- Samastipur

Om Prakash Mahto @ Om Prakesh Mahto Son of Baidhnath Mahto @  
Vaidhnath Mahto Resident of Village-Purnahi, Police Station-Warisnagar,  
District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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

ORAL ORDER

2      06-03-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Kalyanpur P.S. Case No. 101 of 2023 instituted for the offences  
under Sections 30(a), 32(iii), 36, 41(i) of the Bihar Prohibition  
and Excise (Amendment) Act.

3. As per prosecution case, the police has recovered  
altogether 3270.600 liter illegal foreign liquor from a truck,  
pick-up vehicle and a motorcycle.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence as alleged  
against him 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 is neither the driver nor the owner of the alleged vehicles and has also no concern with the seized liquor. The petitioner has four criminal antecedents of similar nature of offence as has been stated in paragraph no.3 of the present bail application but, in all, 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 08.12.2023. Charge-sheet has been submitted in this case.

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 Kalyanpur P.S. Case No. 101 of 2023.

**(Rudra Prakash Mishra, J)**

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