

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18790 of 2024**

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

Sanjay Mahto S/o- Late Yogindra Mahto Village- Shahebganj Ps- Chapra
Town Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Singh, Advocate
For the Opposite Party/s : Ms.Pronoti Singh, APP

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

ORAL ORDER

- 3 03-04-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in connection with 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 total 15 litres
of liquor was recovered from an open place.
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 rather the recovery has been made from an open place. The petitioner has got no concern with the alleged recovery of liquor. Similarly situated co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 15548 of 2024. The petitioner is in custody since 07.12.2023 and has one criminal antecedent. There is no compliance of Section 100 of the 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, claim based on parity 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/- (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)

Alok Verma/-

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

