

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28348 of 2024

Arising Out of PS. Case No.-307 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Vinod Mahto Son of Late Ram Bilash Mahto Village Siropatti PS Khanpur
District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Excise P.S. Case No.
307 of 2017, instituted for the offences punishable under
Sections 30(a)(d) and 38(1) of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that, 10 liters
liquor was recovered from one plastic jar near pond.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present 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 alleged recovery has been made from an open place which is accessible to everyone and name of the petitioner has transpired on the basis of secret information received by the police. The petitioner is in custody since 06.03.2024 and has got no criminal antecedent. 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. 307 of 2017.

(Rudra Prakash Mishra, J)

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