

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32309 of 2024**

Arising Out of PS. Case No.-36 Year-2024 Thana- WARISNAGAR District- Samastipur

Vijay Mahto Son of Late Somar Mahto @ Soman Mahto VILLAGE-  
Ramnagar,P.S.-MATHURAPUR, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Arun Kumar, APP

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

ORAL ORDER

2      30-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Warisnagar (Mathurapur O.P) P.S. Case No. 36 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that a total 3.60 liters liquor was recovered from a bag.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has no concern with the alleged bag. He is not named in the FIR and his name came on confessional statement of the co-accused Arjun Kumar @ Rahul



Kumar. 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. The petitioner is in custody since 11.03.2024 and has antecedent of seven criminal cases. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Warisnagar (Mathurapur O.P) P.S. Case No. 36 of 2024 subject to the 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)

Prakash/-

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