

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37493 of 2024**

Arising Out of PS. Case No.-97 Year-2024 Thana- DARIYAPUR District- Saran

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Fulen Mahto @ Fulena Mahto Son of Late Tapeswar Mahto R/O Vill.-  
Bajahia @ Bajahiya, P.S.- Dariyapur, Dist.- Saran (Chhapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate  
For the Opposite Party/s : Mr. Sucheta Yadav, APP

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

ORAL ORDER

3      17-05-2024              Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in Dariyapur P.S. Case  
No. 97 of 2024, instituted for the offences punishable under  
Section 30(a) of the Bihar Prohibition and Excise Act.

3.      The prosecution case, in short, is that, 120 liters  
liquor was recovered from plastic gallon. The petitioner was  
apprehended on spot.

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 seized bag does not belong to the petitioner. The petitioner is in custody since 25.02.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C. Other co-accused has been granted bail by this Court *vide* order dated 07-05-2024, passed in Cr. Misc. No. 34507 of 2024.

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, clean antecedent of the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dariyapur P.S. Case No. 97 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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