

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35079 of 2024

Arising Out of PS. Case No.-388 Year-2023 Thana- WARISNAGAR District- Samastipur

Ashok Mahto @ Ashok Kumar Son of Raj Kumar Mahto Resident of Village
- Dhobopur Bansara, P.S. - Hayaghat, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-05-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Waris Nagar P.S. Case No. 388 of 2023, lodged on 29.10.2023 under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, FIR has been lodged against three unnamed accused persons and one owner of the vehicle including the present petitioner. Total 540 litres of country made liquor has been recovered which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence.



Counsel also submits that the said recovery has been made from a van and petitioner is neither driver nor owner of the van. He further submits that the petitioner is not apprehended on the place of occurrence. Counsel further submits that the apprehended person has disclosed to the police that the person who fled away was the petitioner. Counsel further submits that one of the co-accused namely Dilip Baitha has been granted bail by this Court vide order dated 24.01.2024 passed in Cr. Misc. No. 2208 of 2024.

5. Learned Counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there are three criminal cases pending against him in which he is on bail. The petitioner is in custody since 25.03.2023 in the present case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the person to whom bail has been granted has no criminal antecedent whereas the present petitioner has three criminal antecedents.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner



above named be granted bail three months after framing of charge and furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-02, Samastipur in connection with Waris Nagar P.S. Case No. 388 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J)

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