

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40561 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- MANIHARI District- Katihar

Laxman Mahto @ Laxman Singh Son of Ram Prayag Mahto @ Prayag Singh
R/O Vill.- Mara Line, Bagh Mara, P.S.- Manihari, Dist.- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Manihari P.S. Case No. 82 of 2024 registered on 07.04.2024 for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

03. As per prosecution case, police received secret information about a person smuggling illicit liquor on motorcycle. The police conducted raid at an identified place and a person fled away leaving behind the motorcycle. From the said motorcycle recovery of 92 litre country made liquor was made which was kept in three jute sacks. The crowd which assembled there identified the escaped person as the petitioner of this case.

04. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case and has no concern with the motorcycle from which recovery has been shown. The persons who assembled at the spot disclosed the name of the petitioner but the police could not find a person to witness the seizure list and this creates grave doubt over the prosecution case. It is apparent from the F.I.R. that nothing incriminating has been recovered from person or possession of this petitioner and he has been made accused in the present case as well as in Manihari P.S. Case No. 89 of 2024 under the highhandedness of the police. Apart from these two cases he is having antecedent of three more cases in which he is on bail.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits the petitioner is having criminal antecedent of four similar cases.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Additional District and Sessions Judge,

Exclusive Special Excise, Court No.-II, Katihar in connection with Manihari P.S. Case No. 82 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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