

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46660 of 2024

Arising Out of PS. Case No.-807 Year-2023 Thana- Excise P.S. District- Banka

Santosh Mahto S/o Devendra Mahto R/o Village-chakjado, P.S.-Baligaun
(Wrongly Written in First Information Report as P.S.-Sarai), District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Adv

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

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

2. The petitioner has preferred this application for grant of regular bail in connection with Banka Excise P.S. Case No. 807 of 2023 dated 12.10.2023 registered for the offences punishable u/s 30(a) and 47 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 5328.36 litres of illicit foreign liquor was recovered from the Tanker.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not the owner of the said vehicle but the same was being driven by him at the time of the alleged



recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 02.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioner and the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Banka in connection with Banka Excise P.S. Case No. 807 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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