

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79082 of 2023**

Arising Out of PS. Case No.-98 Year-2023 Thana- HATHAURI District- Samastipur

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SURAJ KUMAR MAHTO S/O GANGA SAGAR MAHTO RESIDENT OF
VILLAGE- DHATTA, BHIRAHA P.S.-ROSRA, DISTRICT-SAMSTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 05-03-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Hathauri P.S. Case No. 98 of 2023 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act.
3. The allegation against the petitioner is to involve in the trading of illicit liquor, where 307 liters of illicit liquor alleged to be recovered from his tempo.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case only for the reason being owner of alleged tempo. It is also pointed out that nothing incriminating surfaced during the investigation, which may suggest that petitioner was aware about the said assignment. It is submitted that petitioner was in knowledge of some different good but it was driver, who loaded tempo with illicit liquor without giving any prior information to the petitioner. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as implication of petitioner appears only being owner of the tempo from where illicit liquor was recovered, accordingly petitioner above named, in the event of his arrest or surrender before the learned Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise 1, Samastipur/concerned Court where the case is pending in connection with Hathauri



P.S. Case No. 98 of 2023 subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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