

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73731 of 2023

Arising Out of PS. Case No.-1317 Year-2023 Thana- Excise P.S. District- Patna

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Dharmendra Mahto @ Dharmendra Kumar S/O Ramnath Mahto Village-
Chhoti Pahari, Ps. Agamkuan, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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

ORAL ORDER

5 20-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Special Case No. 6313 of 2023 arising out of Excise

(Prohibition) Patna P.S. Case No. 1317 of 2023 instituted

for the offences under Section 30(a) of the Bihar Prohibition

and Excise Act, 2016 and Amendment Act, 2022.

3. As per prosecution case, the police has recovered

100 liter illegal *Chulai* liquor from two jute bags which were

kept in front of the house of the petitioner near the drain.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 17.08.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Special
Case No. 6313 of 2023 arising out of Excise (Prohibition)
Patna P.S. Case No. 1317 of 2023.

(Rudra Prakash Mishra, J)

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