

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77255 of 2024**

Arising Out of PS. Case No.-308 Year-2024 Thana- BARHARIA District- Siwan

Kamlesh Mahato Son Of Paramanand Mahto @ Ramanand @ Ramanand  
Mahato Resident Of Village - Khanpur, P.S. - Barharia, District - Siwan, Bihar  
- 841232

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar, Advocate  
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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

ORAL ORDER

2      28-10-2024                      Heard learned counsel for the petitioner and  
learned APP for the State.

2.      The petitioner seeks bail in connection with  
Barharia PS Case No. 308 of 2024 instituted for the offences  
under Section 30(a) of the Bihar Prohibition and Excise Act.

3.      The prosecution case, in short, is that 1339.200  
liters liquor was recovered from tractor.

4.      Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from  
the conscious possession of the petitioner. The petitioner has got  
no concern with the alleged recovery of liquor. Petitioner was  
not arrested on the spot and his name sprang in this case on the



basis of confessional statement of co-accused, namely, Abhishek Kumar. Petitioner has no concern with the tractor. The petitioner is in custody since 06-09-2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Barharia PS Case No. 308 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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