

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79036 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- NAYAGAON District- Saran

Chhotai Mahto @ Chhotelal Mahto

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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

ORAL ORDER

2 12-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Nayagaon P.S. Case No. 178 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 total 155
litres of country made liquor was recovered from the bank of
pond.

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. It is submitted
that recovery is from an open place, which is accessible to one
and all. The petitioner is in custody since 17.09.2024 and has



got three criminal antecedents on which he is on bail. There is no compliance of Section 103 of B.N.S.S. Other co-accused has been granted bail by this Court *vide* order dated 29.10.2024 in Cr. Misc. No. 77992 of 2024.

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 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) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nayagaon P.S. Case No. 178 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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