

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1088 of 2024

Arising Out of PS. Case No.-26 Year-2022 Thana- CHANAN District- Lakhisarai

MAHESH KORA Son of Baldev Kora Resident of Village- Banskund P.S.
Chanan District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Chanan P.S. Case no.26 of 2022 registered under sections 30(a), (b) and (c) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the informant states that on a raid being conducted, while the accused managed to escape, 160 litres of country made mahua liquor and 2500 litres of Jawa mahua solution was found. Ten *liquor bhatthi* meant for manufacture of country liquor was destroyed. The petitioner, who was present at the place of occurrence, managed to escape.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of his antecedents. Neither was he arrested at the spot nor any



incriminating article has been recovered from his possession or from his house. The alleged recovery is from the bush in the village. The petitioner was falsely implicated in the case by the local chowkidar. The petitioner, who is a small farmer, is in custody since 23.9.2023 and chargesheet has been submitted in the case. It is lastly submitted that co-accused Pawan Kora and Shravan Kora have been enlarged on anticipatory bail vide orders dated 28.11.2022 and 18.08.2022 passed in Cr. Misc. no.55246 of 2022 and Cr. Misc. no.34633 of 2022 respectively while Bhim Kora has been enlarged on regular bail vide order dated 8.12.2023 passed in Cr. Misc. no.79056 of 2023.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner, besides being present at the spot, is an accused of similar nature under the Bihar Prohibition and Excise Act, 2016 in as many as five cases. Referring to the order of the learned trial Court, it is submitted that the petitioner suppressed his antecedents in the learned trial Court to somehow obtain bail.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R., his antecedents under the Bihar Prohibition and Excise Act, 2016 together with the contents of the order of the



learned trial Court wherein the petitioner suppressed his antecedents while moving the application for bail, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail on completion of one year in custody or on framing of charge, whichever is later.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

