

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86371 of 2024**

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

Ramayan Mahto Son of Sarju Mahto @ Sarjug Mahto R/o Village  
-Shobhepur, P.S.- Nayagaon, District -Saran at Chapra

... .. 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 : Mr. Ajay Kumar No. 2, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in Nayagaon P.S. Case No.  
178 of 2024, instituted for the offences punishable under  
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 155 liters  
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. Learned counsel  
for the petitioner also submits that the alleged recovery has been



made from an open place which is easily accessible to public at large. It is further submitted that name of the petitioner has transpired on the basis of disclosure made by local people. The petitioner is in custody since 17.09.2024 and has got one criminal antecedent in which he is on bail. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP 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/- (Rupees Ten Thousand) 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)**

Rajorshi/-

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