

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86435 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- KHAIRA District- Saran

Upendra Mahto Son Of Late Ram Nath Mahto Resident Of Village / Mohalla
- Bhikhanpur, Police Station - Khaira, District - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 55 litres of illicit liquor from the bank of river Sidhi Ghat and petitioner managed to escape, who was identified as the petitioner by the local people.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the place of occurrence. The alleged place is an open area, which is easily accessible to common people. The



name of the petitioner has been disclosed in this case by the local people before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 23.6.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Judge, Saran, Chapra in connection with Khaira P.S. Case No. 86 of 2023.

(Sunil Kumar Panwar, J)

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