

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.952 of 2024

Arising Out of PS. Case No.-249 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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AAKLU MAHTO @ AKLU MAHTO S/O DEV NARAYAN MAHTO R/O
VILLAGE- LAT BASEPUR, WARD NO.-5, P.S- MUSARIGHARARI,
DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Dilip Kumar Roy, learned counsel

appearing on behalf of the petitioner and Mr. Suresh Prasad

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Excise Case No. 249 of 2020 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Allegation is of recovery of 32 litres of country
made liquor from a hut.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been falsely implicated
in the case due to local village politics. He has no concern either
with the seized liquor or trade of liquor in any manner. The



place of recovery is an open place which is accessible to anyone. The petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the fact that the recovery of 32 litres of country made liquor is from an open place which is accessible to any one and the petitioner has clean antecedent, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Samastipur in connection with Excise Case No. 249 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal



antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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