

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3022 of 2024

Arising Out of PS. Case No.-32 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Kundan Mahto, Male, aged about 19 years, son of late Sanjay Mahto, resident of Village- Kathalbari Chunabhathi, PS- Lalit Narayan Mithila University Dist- Darbhanga, permanent resident of village- Gangwara, PS- Sadar Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
LNMU PS Case No.32 of 2023 dated 06.02.2023, instituted
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. The allegation is of recovery of 69 litres of Nepali
liquor from the hut beneath the Kathalwari over-bridge. It is
alleged that the local people disclosed that the liquor belongs to
the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. Learned counsel further submits that the petitioner has nothing to do with the said recovery and the said hut beneath the Kathalbari over-bridge does not belong to the petitioner. The petitioner has been made accused only on the disclosure made by the local people. It is further submitted that nothing has been recovered from conscious possession of the petitioner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-II, (Excise Act), Darbhanga, in LNMU PS Case No.32 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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