

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46499 of 2018

Arising Out of PS.Case No. -36 Year- 2018 Thana -GOVINDGANJ District- EASTCHAMPARAN
(MOTIHARI)

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Shyam Lal Mahto, S/o Gorakh Mahto, resident of village – Madhubani,
P.S.-Sangrampur, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Rajballabh Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 31-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272 and 273 of the Indian Penal
Code and Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition
and Excise Act, 2016.

426.60 litres of foreign liquor is said to have been
recovered from the Magic van and its driver namely Vijay Singh
was apprehended while another accused managed to escape. The
apprehended driver divulged the petitioner as owner of the said
vehicle. He also divulged that two persons on the motorcycle were
escorting him and were interacting with him on their mobiles.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no concern



with the seized liquor. Though he happens to be owner of the pickup van, but he had no knowledge of transporting of the liquor by the said van by its driver Vijay Singh, as the said driver had taken the aforesaid vehicle from him for plying the same. There was also no interaction of the petitioner with said Vijay Singh during the course of occurrence. He was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 05.07.2018. Said Vijay Singh has been enlarged on bail by this court vide order dated 26.04.2018 passed in Cr. Misc. No. 19011 of 2018 and one other accused namely Rajeshwar Pandey who was interacting with said Vijay Singh during the course of occurrence has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 10.07.2018 passed in Cr. Misc. No. 36579 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Addl. Session Judge cum Special Judge, Excise, East Champaran, Motihari in connection with Govindganj/Areraj P.S. Case No. 36 of 2018.

(Prakash Chandra Jaiswal, J)

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