

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4175 of 2022

Arising Out of PS. Case No.-1019 Year-2021 Thana- AGAMKUAN District- Patna

Hira Mahto, Son of Kripal Mahto, Resident of Kartika Tea Garden, P.S. -
Samokhtulla, District - Jalpaiguri (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special Case No. 6962 of 2021, arising out of Agamkuan P.S. Case No. 1019 of 2021 registered for the alleged offences under Sections 30(a), 32 (3) and 41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total 7173 litres of India made foreign liquor was recovered from a truck and co-accused driver, namely Suresh and this petitioner, who is stated to be the cleaner of the said truck, have been apprehended from the spot.



The learned counsel for the petitioner submits that the petitioner is merely a cleaner and he has no knowledge about the consignment being carried on the truck. The petitioner is not involved in any manner in sale and purchase of the liquor and he is a poor person doing the work of cleaner (khalasi) to earn his livelihood. The co-accused driver has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.05.2022 passed in Cr. Misc. No. 5277 of 2022. The petitioner is in custody since 28.10.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the huge quantity of illicit liquor has been recovered from the truck and the petitioner and other co-accused were apprehended from the said truck.

Having regard to the submissions made hereinabove and considering the submission of charge-sheet along with period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 6962 of 2021, arising out of Agamkuan P.S. Case No. 1019 of 2021, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and also



other following conditions:

(i) One of the bailors will be Punam Kheroyar, wife of the petitioner, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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