

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7253 of 2022**

Arising Out of PS. Case No.-490 Year-2021 Thana- BASANTPUR District- Siwan

JITU KUMAR MAHATO S/o- Bharat Mahato Resident of Village - Baiju
Barhoga, P.S. - Bastanpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Basantpur
P.S. Case No. 490 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.01.2022.

The allegation against the petitioner is to be engaged
in illegal business of illicit liquor, wherein, recovery of 80 litres
of illicit country made liquor was made.

Learned counsel appearing on behalf of the petitioner
submitted that recovery was made from the house of co-



accused, namely, Bhabhisan Nut and admittedly the recovery not made from the conscious physical possession of the petitioner. It has been submitted that the petitioner is involved in one similar nature of case only. It has further been submitted that co-accused persons have already been granted bail by learned co-ordinate Bench of this Court vide order dated 11.02.2022 in Cr. Misc. No. 4743 of 2022. While concluding the argument, it has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has not been made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Basantpur P.S. Case No.490 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-1st, Siwan, subject to the following



conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Bharat Mahato, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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