

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8250 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- KALUAHI District- Madhubani

Lala Mahto @ Ram Bilash Mahto S/O Babuji Mahto R/o village and P.S.-
Kaluahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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

The petitioner seeks bail in connection with Kaluahi
P.S. Case No. 23 of 2021 corresponding to G.R. 379 of 2021
registered for the offence under Sections 272, 273 and 34 of the
Indian Penal Code and Section 30(a) of Bihar Prohibition and
Excise Act.

The petitioner is named in the F.I.R. and is in custody
since 24.12.2021.

The accusation against the petitioner is to have in
illicit possession of 90 liters of Nepali wine, which said to be
recovered from the courtyard of the petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that no incriminating article has been recovered from



the conscious possession of the petitioner. It is submitted that chargesheet has been submitted in this case as such there is no chance of tampering with the evidence. It is further submitted that accused petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that no incriminating article has been recovered from the conscious possession of the petitioner.

Considering the facts and submissions as made above, as recovery is not from conscious possession coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kaluahi P.S. Case No. 23 of 2021 corresponding to G.R. No. 379 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till conclusion of trial, failing which the State shall be at liberty to move before the Trial



Court itself for the cancellation of bail of the petitioner.

(ii) That one of the bailors shall be the close relative of the accused/petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

Ankit/-

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