

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11151 of 2022

Arising Out of PS. Case No.-494 Year-2020 Thana- PATLIPUTRA District- Patna

HARI KUMAR @ SANJIT KUMAR MAHTO @ HARI MAHTO S/O
BINDESHWAR MAHTO R/O MOHALLA- GOSAIN TOLA, P.S.-
PATALIPUTRA, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 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 Patliputra
P.S. Case No. 494 of 2020 registered for the offence under
Sections 30(a) and 41(I) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.08.2021.

The allegation against the petitioner is to be engaged
in illegal business of illicit liquor, wherein, recovery of total
277.545 litres of illicit liquor has been made.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on behalf of secret information received by the police and admittedly the recovery has not been made from the conscious position of the petitioner. It has further been submitted that the petitioner is involved in two other criminal cases, in which, he is on bail. While concluding the argument, it has been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with, while preparing seizure list and 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 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 Patliputra P.S. Case No. 494 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge Excise, Patna, 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 Bindewshwar Mahto, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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