

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11473 of 2022

Arising Out of PS. Case No.-435 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Mangal Mahto Son of Late Mushafir Mahto R/O Village- Rupauli, P.S.-
Saraiya, District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2022 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 Excise
P.S. Case No. 435 of 2021 registered for the offence under
Section 30(a) and 30(c) of Bihar Prohibition and Excise Act.

The accused/petitioner is in custody since 05.11.2021.

The allegation against the petitioner is to involve in
illegal trading of illicit liquor, where there is recovery of 10,000
liters of Chulai liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of illicit liquor has been made from



the varanda of the co-accused, namely, Rameshwar Thakur and this petitioner is in no way connected with the alleged recovery of illicit liquor. It has been submitted that the presence of petitioner, at the time of raid by police in the house of co-accused was in connection with demand of previous dues. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, chargesheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has been made from the house of the co-accused.

Considering the facts and circumstances as mentioned above, as the the recovery has not been made from the house of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 435 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) Court No.II, Muzaffarpur, subject to the following conditions:



“(i) 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.

(ii) That one of the bailors shall be Shail Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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