

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13862 of 2022

Arising Out of PS. Case No.-241 Year-2021 Thana- KHODAWANDPUR District- Begusarai

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DILIP MAHTO @ DILIP KUMAR MAHTO S/O RAM BILASH MAHTO
@ RAM VILASH MAHTO R/o village- Dhanu Tola Amari, P.S.-
Khodawandpur (Chaurahi O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with

Khodawandpur P.S. Case No. 241 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 31.12.2021.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there was total recovery



of 583.200 litres of illicit foreign liquor.

Learned counsel appearing on behalf of the petitioner submitted that admittedly from the seizure list, it appears that the recovery of illicit Indian made foreign liquor is made from the house of co-accused. It has further submitted that name of the petitioner surfaced on the statement of local Chaukidar, which is based upon suspicion as petitioner found running away from the place of occurrence. It has further been submitted that the petitioner is involved in one case of similar nature, in which, he is on bail. While concluding the argument, it has been submitted that investigation of this case has completed, for which, 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 alleged recovery has not been made from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the 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 Khodawandpur P.S. Case No. 241 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 Excise Court Ist, Begusarai, 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 Anita Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen-

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