

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13219 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- NADI P.S. District- Patna

1. AJAY KUMAR Son of Santosh Mahto @ Santosh Kumar Resident of village - Rustampur, P.S.- Raghapur, District - Patna
2. Munna Kumar Son of Late Rameshwar Mahto Resident of village - Rustampur, P.S.- Raghapur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Nadi P.S. Case no. 27 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 29.01.2022.

The allegation against the petitioners is to be engaged in illegal business of illicit liquor, where, there is recovery of 160 litres of illicit country made mahua liquor from Tempo.



Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery has not been made from the conscious physical possession of the petitioners, who are man of clean antecedent. While concluding the argument, it has 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 alleged recovery has been made from Tempo.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, are directed to be released on bail in connection with Nadi P.S. Case No.27 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, subject to the following conditions:

“(i) Accused/Petitioners 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 petitioners duly supported by the documents.

(iii) That one of the bailors shall be Santosh Mahto @ Santosh Kumar, who is the father of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

