

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15308 of 2022**

Arising Out of PS. Case No.-37 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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DHARMLAL MAHTO S/o Birendra Mahto Resident of Village - Panch
Pakari, Ward No. 13, P.S. - Dhaka, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Opposite Party/s : Md. Iftekhar Mahmood, 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 Case No.
C2/37/2022 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 21.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 162 litres of illicit Nepali soufi liquor from alleged Auto.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither owner nor driver of the vehicle, rather he was the passenger of the auto from where alleged recovery of illicit liquor was made. It has further been submitted that nothing surfaced during course of investigation, which may connect the petitioner with alleged illicit liquor. It has further been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is neither owner nor driver of the alleged auto.

Considering the facts and circumstances as mentioned above, as recovery is not made from conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Case No. C2/37/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II-cum-Special Judge, Excise Act, Sitamarhi,



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 Birendra Mahto, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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