

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16931 of 2022**

Arising Out of PS. Case No.-162 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Santosh Mahto @ Santosh Kumar, S/o Premlal Mahto, R/o Village- Jarong
Malahatoli, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gaighat P.S. Case No. 162 of 2021 registered for the alleged offences under Sections 272, 273 and 34 of IPC and Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret information about the petitioner and other co-accused persons dealing in trade of illicit liquor and hiding the same in the garden of co-accused Bhupender Singh, a raid was conducted at



that place and it is alleged that petitioner and other co-accused persons fled away from that place on seeing the police party. From the said place, from the bushes, around 138.750 litres of India made foreign liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been apprehended from the spot and no incriminating article has been recovered from his possession. He has been named in this case merely on suspicion. The charge-sheet has been submitted in this case and the petitioner is in custody since 08.02.2022 and is having clean antecedent. Similarly placed co-accused Dharmnath Mandal has been granted bail by a Co-ordinate Bench of this Court vide order dated 07.01.2022 passed in Cr. Misc. No. 57524 of 2021.

Learned APP opposes the prayer for bail submitting that the petitioner has been named in the FIR.

Having regard to the submissions made hereinabove and further considering the fact the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession and similarly placed co-accused has been granted bail and further considering the submission of charge-sheet as well as the period of his custody,



the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge Excise, Muzaffarpur in connection with Gaighat P.S. Case No. 162 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) Petitioner will not commit similar type of offences in future.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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