

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17747 of 2022

Arising Out of PS. Case No.-481 Year-2021 Thana- CHANPATIA District- West Champaran

Dilip Mahto Son of Sri Fulena Mahto Resident of village - Lohiyaria,
Dhangad Toli, P.S.- Chanpatia (Kumarbag), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-07-2022 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 Chanpatia
(Kumarbag) P.S. Case No. 481 of 2021 registered for the
offence under Sections 30(a) and 37(c) of the Bihar Prohibition
and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.12.2021.

The allegation against the petitioner is to be involved
the illegal/trading of illicit liquor, wherein, it is alleged to be
recovered of total quantity of 05 litres country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of illicit country made liquor, is from the hutment of the petitioner, which is jointly occupied by the other family members of the petitioner, as such, it cannot be said that recovery has been made from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been 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 recovery has been made from the hutment of petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has been made from jointly occupied hutment 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 Chanpatia (Kumarbag) P.S. Case No. 481 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 Special Judge, Excise, West Champaran at Bettiah, 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 Fulena 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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