

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18737 of 2022

Arising Out of PS. Case No.-573 Year-2021 Thana- MAHUA District- Vaishali

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Mahavir Prasad @ Mahavir Kumar @ Mahavir Rai S/o- Mishrilal Rai @
Mishri Yadav Resident of Village- Gopalpur, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 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 Mahua
P.S. Case No. 573 of 2021 registered for the offence under
Section 414 of the Indian Penal Code and Sections 30(a), 32(i),
32(iii), 41(i), 41(ii) and 36 of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.01.2022.

The allegation against the petitioner is to involve in
illegal trading of illicit liquor, where 313 liters and 200 ml of
illicit foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is nowhere connected with the present seizure of illicit liquor, as name of the petitioner surfaced on the basis of disclosure made by local chowkidar/spy. It is submitted that, admittedly, this is not a case of recovery from the possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery is not from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mahua P.S. Case No. 573 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 Special Excise Court-II-cum-Additional Sessions Judge, Vaishali, Hajipur, 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 Daroga Yadav, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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