

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21866 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- LAUKAHA District- Madhubani

Jay Prakash Mahto Son of late Buddhi Mahto Resident of Village - Birpur,
P.s.- Lalmaniya (O.P.), Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 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 Laukaha
(Lalmaniya) P.S. Case No. 14 of 2022 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.01.2022.

The allegation against the petitioner is to involve in
the illegal trading of illicit liquor, where 33.6 liters of Nepali
liquor was recovered from field of tomato and pea.

Learned counsel appearing on behalf of the petitioner



submitted that recovery is from the open place i.e., from field of tomato and pea, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that the field from where the alleged recovery has been made does not belongs to the petitioner and further nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. 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 recovery is from the open place.

Considering the facts and circumstances as mentioned above, as recovery is from the open place, as such, it cannot be said to be recovered 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 Laukaha (Lalmaniya) P.S. Case No. 14 of 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 Additional Sessions Judge-
cum-Special Judge, Excise Act, Jhanjharpur,
Madhubani/concerned Court, 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
Shila Devi, who is the wife of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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