

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21785 of 2022**

Arising Out of PS. Case No.-208 Year-2021 Thana- MADHEPUR District- Madhubani

KANHAIYA MAHTO @ TARUN KUMAR @ TARUN S/o Nageshwar
Mahto Resident of Village- Fatki Kutti, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, APP

For the Opposite Party/s : Mr. APP

**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
Madhepur P.S. Case No. 208 of 2021 registered for the offence
under Sections 272 and 273 of the IPC and 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 28.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 80.28
litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery of illicit liquor has been made from Hume pipe, which is accessible by general public, as such, it cannot be said that the recovery has been made from conscious physical possession of the petitioner and also nothing surfaced during course of investigation, which may connect the petitioner with the alleged recovery of illicit IMFL. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that 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 alleged recovery has been made from the Hume pipe, as per FIR.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Madhepur P.S. Case No. 208 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 Act,



Jhanjharpur, District Madhubani, 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 Baiju Mangal Maheto, who is the cousin of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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