

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23130 of 2022**

Arising Out of PS. Case No.-19 Year-2021 Thana- BIBHUTIPUR District- Samastipur

AMARNATH MAHTO S/O LATE RAMWATI MAHTO R/o village-
Rajwara, Ward No. 08, P.S.- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, 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
Bibhutipur P.S. Case No. 19 of 2021 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is not named in the F.I.R. and
is in custody since 09.03.2022.

The allegation against the petitioner is to have in
possession of 1477.5 liters of illicit wine, which was recovered
from a pick-up van.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced only on the basis of Call Detail Report (CDR) of his mobile after 11 months of the occurrence. It is submitted that, admittedly, this is not a case of recovery of illicit wine from the conscious physical possession of the petitioner and nothing except CDR surfaced during the course of investigation, which may suggest that petitioner was involved in illegal trading 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 charge-sheet 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 petitioner is not named in the F.I.R.

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 chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bibhutipur P.S. Case No. 19 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 Excise Court-1, Samastipur/concerned Court, 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 Phool Kumari who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

