

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23321 of 2022**

Arising Out of PS. Case No.-89 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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VIKASH KUMAR MAHTO @ VIKASH MAHTO Son of Satyendra Mahto
Resident of Village - Dih Chhapia, P.s.- Taraiya, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Nityanand

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**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

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Excise
Case No. 89 of 2022 registered for the offence under 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 29.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 259.2
litres of IMFL.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither driver nor owner of the alleged vehicle, from where recovery has been made. It has further been submitted that in fact that petitioner took lift from driver, who apprehended at the time of running away from the spot and nothing surfaced during course of investigation, which may suggest that the petitioner was under knowledge of consignment of illicit liquor. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the alleged vehicle was jointly occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been 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, let the petitioner, above named, is directed to be released on bail in connection with Excise Case



No. 89 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 4th Additional Sessions Judge-cum-Special Excise Court II, Gopalganj/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 Susila Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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