

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23934 of 2022

Arising Out of PS. Case No.-422 Year-2020 Thana- DUMRA District- Sitamarhi

Sanjay Kumar @ Sanjay Mahto son of subedar mahato r/o village - lagma,
p.s. - Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Murari, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, 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

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 Dumra

P.S. Case No. 422 of 2020 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 28.01.2022.

The allegation against the petitioner is to be engaged

in illegal trade/manufacturing of illicit liquor, where, there is

recovery of 1339.890 litres of foreign liquor.

Learned counsel appearing on behalf of the petitioner



submitted that it is an admitted position that recovery is from open place as road-side area, as such, it cannot be said to be recovered from conscious physical possession of the petitioner. It has been submitted that the name of the petitioner surfaced on the basis of confessional statement co-accused, namely, Sunil Singh, where nothing surfaced during course of investigation, which may connect the petitioner with present recovery of illicit liquor. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has 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 recovery is from the open place like road-side area.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor is not made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dumra P.S. Case No. 422 of 2020 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-I, Sitamarhi/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 Ramnath Mahto, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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