

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26875 of 2022**

Arising Out of PS. Case No.-36 Year-2022 Thana- BAKHARI District- Begusarai

Raja Ram Mahto @ Raja Ram Kumar Son of Hari Narayan Mahto @ Hari Naraian Mahto Resident of village - Darha Than Singh, P.S.- Bakhri, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 29-07-2022 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 Bakhri P.S. Case No. 36 of 2022 registered for the offence under Sections 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 11.03.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 30 litres of country made liquor from the open



area/place.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner disclosed by co-accused, namely, Sonu Kumar and nothing surfaced during course of investigation, in furtherance of said disclosure, which may suggest that petitioner connected in any manner with recovered country made illicit liquor or with illegal manufacturing activities of country made 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 recovery is made from the open place like Kamla Chaur.

Considering the facts and circumstances as mentioned above, as 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 Bakhri, P.S. Case No. 36 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 Special Judge



Excise Court-2, Begusarai, 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 mother/sister/brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

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

