

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27807 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- KATRA District- Muzaffarpur

1. SANTOSH MAHTO Son of Bindu Mahto Resident of Village - Sanghari, Rampur, P.s.- Aurai, Distt.- muzaffarpur.
2. CHHOTU KUMAR Son of Bikau Choudhary Resident of Village - Baraitha, P.S.- Katra, Distt. Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Katra P.S. Case No. 89 of 2022 registered for the offence under Sections 272, 273 and 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 14.03.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 80 litres of IMFL/country made liquor from motorcycle.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor from the motorcycle, which was jointly occupied by other co-accused persons and as such it cannot be said to be recovered from conscious physical possession of the petitioners. It is also submitted that petitioners are men of clean antecedent. 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 that motorcycle was jointly occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioners, who are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Katra P.S. Case No. 89 of 2022 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.I, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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