

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28084 of 2022

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

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NARESH MAHTO Son of Late Baijnath Mahto Resident of village - Khaura,
P.S.- Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate
For the Opposite Party/s : Ms.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 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 Katra P.S.

Case No. 89 of 2022 registered for the offence under Sections

272, 273 and 414 of the Indian Penal Code 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 14.03.2022.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 40 litres of fermented toddy.

Learned counsel appearing on behalf of the petitioner submitted that recovery of toddy was made from hut which is over the government land, and not connected in any manner with petitioner. 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 recovery is made from the hut, which is over the government land, as per seizure list.

Considering the facts and circumstances as mentioned above, as the recovery of illicit liquor (toddy) has not been 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 Katra P.S. 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 Exclusive Special Excise Court No. 1, 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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