

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28688 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- BENIPATTI District- Madhubani

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Agnidev Mahto Son of Rajendra Mahto Resident of Village - Bankatta, Police
Station- Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Benipatti P.S.

Case No. 61 of 2022 registered for the offence under Sections 272,
273 and 34 of the Indian Penal Code and 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in

custody since 11.04.2022.

The allegation against the petitioner is to have in

possession of 7.50 liters of country made liquor, which was

recovered from a Motorcycle of the petitioner which was parked

before the house belongs to brother of the petitioner.

Learned counsel appearing on behalf of the petitioner

submitted that name of the petitioner surfaced during the course of



investigations and as such it cannot be said that recovery was made from the conscious possession of the petitioner, it is submitted that investigation in this case is completed for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the petitioner was not apprehended along with motorcycle as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from conscious physical possession of the petitioner 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 Benipatti P.S. Case No. 61 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 2nd Addl. Sessions Judge-Cum-Special Judge, Bihar Prohibition Excise Act, Madhubani City/concerned Court, subject to the following conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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