

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28016 of 2022**

Arising Out of PS. Case No.-387 Year-2021 Thana- ROSERA District- Samastipur

Amarnath Mahto Son of Late Rambali Mahto Resident of Village - Rajwara
Ward No.- 8, P.S.- Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

**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

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 Rosera
P.S. Case No. 387 of 2021 registered for the offence under
Sections 30(a) of the Bihar Excise Amendment Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 1746.690 litres of IMFL.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced on the basis of disclosure which was made by the co-accused persons, namely, Arman Malik and Md. Irsad and in furtherance thereof, nothing incriminating surfaced during the course of investigation which may connect the petitioner with alleged 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, appearing on behalf of State, while opposing the prayer of bail, fairly conceded the fact that this is not a case of recovery of illicit liquor from the physical possession of petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor 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 Rosera P.S. Case No. 387 of 2021 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 Excise Court-1, Samastipur/concerned Court, subject to the conditions



as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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