

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28808 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- KATRA District- Muzaffarpur

Shivchandra Mahto S/O Upendra Mahto Resident Of Village- Kothia, P.S.-
Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Katra P.S.Case No 197 of 2021 for the
offences punishable under Section 30(a) of the Bihar
Excise (Prohibition) Amendment Act, 2016.

As per the prosecution case, it is alleged that the
police got secret information that the petitioner and co-
accused Brajesh Mahto have kept consignment of illegal
liquor in the house of the petitioner, conducted a raid and
on search 223.560 liters Indian made foreign liquor was



recovered from the house of Durgesh Mahto and 160 liters recovered from the house of the co-accused Shatrughan Mahto.

Learned counsel for the petitioner submits that petitioner was neither arrested at the spot nor any incriminating material has been recovered from person or possession of the petitioner. Save and except the suspicion, there is no other material against the petitioner. It is also submitted that even as per the FIR nothing has been recovered from the house of the petitioner. It is next submitted that petitioner is in custody since 22.03.2022 and though the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that the alleged recovery has been made from the house of the co-accused person and save and except the suspicion, there is no other material which suggests the complicity of the petitioner, who is in custody since 22.03.2022, having fair antecedent,



let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Muzaffarpur in connection with Katra P.S.Case No.197 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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