

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30618 of 2022

Arising Out of PS. Case No.-399 Year-2020 Thana- ROSERA District- Samastipur

Ram Bahadur Mahto Son of Late Rameshwar Mahto R/O Village- Malikana Mushari, P.S.- Khodabandar, District- Begusarai (Police Station- Rosera, District- Samastipur) (But in the F.I.R. it has wrongly been mentioned Rosera, Samastipur)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, 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. 399 of 2020 registered for the offence under Sections 272, 273/34 of I.P.C. and under Section 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 31.01.2022.

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



recovery of 328.50 litres of IMFL/country made liquor from the open place(bank of pond).

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery was made from the bank of pond which is an open place, negating thereof, that recovery was made from conscious physical possession of the petitioner. It is also submitted that the petitioner is a man 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 recovery was made from the bank of pond, as per seizure list.

Considering the facts and circumstances as mentioned above, as the recovery of illicit liquor was made from the open place denies 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. 399 of 2020 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 No.-1, Samastipur/concerned court,
subject to the conditions as mentioned under Section 437(3) of
Cr.P.C.

(Chandra Shekhar Jha, J)

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