

0IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37800 of 2022

Arising Out of PS. Case No.-240 Year-2022 Thana- KAHALGAON District- Bhagalpur

Prem Mahto @ Prem Kumar Son Of Late Chhotelal Mahto R/O Village-
Maheshamunda, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Singh, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kahalgaon P.S. Case No. 240 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, on the basis of secret information that petitioner and other co-accused were purchasing and selling illicit liquor, a raid was conducted on their house. From the house of co-accused Anil Tanti, 1.125 litres of India made foreign liquor was recovered and he was



apprehended from the spot. On search of the house of this petitioner, 3.750 litres of India made foreign liquor was recovered and the petitioner fled away from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and nothing has been recovered from his conscious possession. The petitioner has no concern with other co-accused and he has nothing to do with the allegedly seized liquor. He came to know about the liquor kept in the house at the time of seizure only. The petitioner is in custody since 30.03.2022 and charge-sheet has been filed.

Learned APP opposes the prayer for bail submitting that the recovery has been made from this petitioner.

Having regard to the facts and circumstances and considering the quantity of illicit liquor recovered and further considering the period of custody and submission of charge-sheet against the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Bhagalpur in connection with Kahalgaon P.S. Case No. 240 of 2022, subject to the other conditions under Section 437(3) of the



Cr.P.C. and following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Chanchala Devi, wife of the petitioner, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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