

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35244 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Dhiraj Mahto S/O Hari Mahto @ LANGRA Resident of Village- Chaputa,
P.S.- Sadar, Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Hajipur
Sadar P.S. Case No. 246 of 2022 registered for the offence under
Sections 30(a), 32(ii), 36 and 41(i) 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 involve in
the illegal trading of illicit liquor, where 1239.840 liters of



foreign liquor was recovered from a pick-up van.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was apprehended in this matter only on the basis of secret input after four days of recovery and nothing incriminating surfaced during the course of investigation, which may connect the petitioner with the alleged recovery. It is further submitted that, admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 246 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 Exclusive Special Excise, Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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