

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36503 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Yogendra Mahto Son of Late Kamal Mahto R/O Village- Padmaul, Ward No.-
11, P.S.- Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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
Muzaffarpur Town P.S. Case No. 80 of 2022 registered for the
offence under Sections 272, 273, 34 of the I.P.C. and under
Sections 30(a)/34 of the Bihar Prohibition and Excise Act, 2018.

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



custody since 25.01.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 40 litres of IMFL/country made liquor from the alleged Scooty.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the jointly occupied scooty and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner, who 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 alleged scooty is jointly occupied, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Muzaffarpur Town P.S.



Case No. 80 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, Muzaffarpur/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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