

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37546 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

=====

DILIP MAHTO S/o Nageshwar Mahto Resident of Village- Alinagar Ward
No.1, P.s.- L.N.M.U., District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Jha, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

=====

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 L.N.M.U

P.S. Case No. 135 of 2022 registered for the offence 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 20.05.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 22.500 litres of IMFL/country made liquor from the

half constructed house of the petitioner.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from partly constructed house of the petitioner, which is accessible by other family members and also by general public and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is further submitted that the seizure list is not supported by independent witnesses which appears to be in violation of Section 100(4) of the Cr.P.C. It has been submitted that petitioner is a man of clean antecedent and moreover, investigation is complete, where 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 the recovery of illicit liquor was made from the partly constructed house of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent, in the background of seizure list 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 L.N.M.U P.S. Case No. 135 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 Special
Judge Excise IInd, Darbhanga/concerned court, subject to the
conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

