

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37802 of 2022

Arising Out of PS. Case No.-418 Year-2019 Thana- SITAMARHI District- Sitamarhi

Bhola Mahto, Son of Pallu Mahto, Resident Of - Rajopatti, Ward No.-28, P.S.-
Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, 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 Sitamarhi (Mehsol O.P.) P.S. Case No. 418 of 2019 registered for the alleged offences under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, on receiving secret information about unloading of a consignment of illicit liquor, a raid was conducted on the identified place and co-accused Ram Shobhit Mukhiya was apprehended. From that place, 216 litres



of Nepali Saufi liquor was recovered and one old Scorpio vehicle was also seized. The co-accused disclosed the name of the petitioner along with other co-accused persons, who have brought the liquor.

The learned counsel for the petitioner submits that petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He has been named in this case merely on the basis of confessional statement of co-accused. The vehicle in question does not belong to this petitioner, who is neither owner nor driver nor cleaner of the said vehicle. The petitioner is in custody since 18.04.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and charge-sheet has been submitted against him. Further considering the period of custody, 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 Exclusive Special Excise Court-II, Sitamarhi in connection with Sitamarhi



(Mehsol O.P.) P.S. Case No. 418 of 2019, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the 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 Nagina 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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