

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48210 of 2021

Arising Out of PS. Case No.-72 Year-2018 Thana- ITARHI District- Buxar

=====

LALAN MAHTO @ LALLAN MAHTO S/o Raj Nandan Mahto Resident of
Village - Shivai Patti, P.S. and P.O. - Shivai Patti, District - Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

Petitioner who is in custody since 13.06.2021 seeks
bail in connection with Itarhi P.S. Case No.72/2018 registered
for the offence punishable under Section 13(a)/35/38 and 47 of
Bihar Prohibition and Excise Act,2016.

Prosecution case in brief, is that S.I. Vivek Raj,
S.H.O. Irarhi recorded his self statement on 30.03.2018 alleging
therein that he received confidential information that at
Bhitihara Mor a pickup van bearing registration number BR-06-



D9873 was there with illicit liquor. The informant along with police party reached at the P.O. and he found a pickup van bearing registration number BR-06-D9873. In the presence of two independence witnesses Pickup Van was searched and 18 cartoons of illicit English liquor, each cartoon containing 48 pieces and each piece of 180 ml. that is a total of 155 liters and 520 ml illicit English liquor was recovered. The illicit liquor along with Pickup Van was seized Seizure list was prepared and case was lodged.

Learned counsel appearing on behalf of the petitioner submits that the alleged van bearing registration no. BR-06-D9873 belongs to one Laxman Prasad Keshri and in this regard District Transport Officer has also furnished report to the Excise Department. The petitioner has falsely been implicated in this case.

Learned APP for the State vehemently opposes the prayer for grant of bail to the petitioner.

Considering the abovementioned facts and circumstances of the case, it appears that petitioner who is resident of village-Siwaipatti in the district of Muzaffarpur while the seizure of the alleged vehicle was affected near Itharhi, Buxar and also on perusal of the allegation made in the



FIR, prima facie no case of involvement of the petitioner in the said case is made out, as the owner of the vehicle is Laxman Prasad Keshri. However, the court below is directed to obtain a detailed report from the District Transport Officer of the concerned district to verify the details of the owner of the vehicle and who as on date is the owner of the said vehicle, within a period of two weeks from the date of communication of this order. It is directed, if the court below finds the said vehicle is not registered in the name of the petitioner, on which huge quantity of liquor was recovered, and after verifying the same, the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge, Ind-cum-Special Judge, Excise, Buxar in connection with Itarhi P.S. Case No.72/2018, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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

