

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39496 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- LAKHNAUR District- Madhubani

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Lalu Mahto @ Shailendra Mahto Son of Rajendra Mahto Resident of Village
- Rupauli, P.S.- Lakhnaur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Rana Randhir Singh

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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 Lakhnaur
P.S. Case No. 201 of 2021 registered for the offence under
Sections 272, 273, /34 of I.P.C. and 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 05.03.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1199.400 litres of IMFL/country made liquor from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, recovery of alleged illicit liquor was made from fodder-house (Bhusaghar) belongs to one Dinesh Mahto, where the name of petitioner surfaced on the basis of secret information, sufficient to gather that recovery of illicit liquor was not made from the conscious physical possession. 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, opposes the prayer of bail.

Considering 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 charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lakhnaur P.S. Case No. 201 of 2021 on furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/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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