

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43950 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- MAKER District- Saran

Surendra Mahto Son of Jitan Mahato R/O Village- Amnour Dih, P.S.-
Amnour, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-09-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP 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 Maker
P.S. Case No. 8 of 2022 registered for the offence under
Sections 272, 273, 323, 308, 304, 120B and 34 of the Indian
Penal Code and Sections 30(a), 37(B), 33 and 34 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 09.05.2022.

The allegation against the petitioner is to involve in



business of spurious liquor, alongwith other co-accused persons, after consumption of which three persons died.

Learned senior counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Birendra Mahto and in furtherance thereof, nothing incriminating surfaced/recovered, which may connect the petitioner, *prima facie*, with the alleged spurious liquor and also with the present occurrence. It is further submitted that the recovery of alleged illicit liquor was made from the house of the co-accused. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced/recovered, which may connect the petitioner, *prima facie*, with the alleged spurious liquor and also with the present occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Maker P.S. Case No. 8 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 2nd Exclusive Special Excise Court, Saran at Chapra/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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