

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40943 of 2022**

Arising Out of PS. Case No.-341 Year-2020 Thana- PIPRAKOTHI District- East Champaran

DHRUV MAHTO @ DHRUP MAHTO Son of Late Banarsi Mahto Resident  
of Village - Mathiya Bariyarpur, P.S. Piprakothi, District - East Champaran.  
... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate  
For the Opposite Party/s : Mr.Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      27-08-2022                      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 Pipra  
Kothi P.S. Case No. 341 of 2020 registered for the offence under  
Sections 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 15.06.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 550 litres of IMFL/country made liquor from an  
open place.

Learned counsel appearing on behalf of the petitioner  
submitted that the recovery is from two places, firstly, of 150  
litres from roof of the house of the petitioner and secondly, of  
400 litres from the bush developed behind the house and in both



cases of recovery, it cannot be said that it has been made from physical possession of the petitioner. While concluding the argument, it has categorically 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 alleged illicit liquor was not made from 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 Pipra Kothi P.S. Case No. 341 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, East Champaran, Motihari/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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