

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43329 of 2022

Arising Out of PS. Case No.-172 Year-2020 Thana- BABUBARHI District- Madhubani

BIRENDRA MAHTO son of Late Ram Chandra Mahto Resident of Village -
Donwari, P.O.- Teghara, P.S.- Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

Ms. Kusum Rani, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Babubarhi P.S. Case No. 172 of 2020 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, from the pick-up-vehicle of the petitioner 899.625 liters of of India made foreign liquor was recovered when it was searched on receipt information that



illicit liquor was loaded on it.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the allegedly recovered liquor. He was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Merely because he is the owner of the vehicle, he has been made accused in this case without any justification. The petitioner was having no knowledge about liquor being carried in his vehicle. Learned counsel further submits that the petitioner has got no criminal history. Charge sheet has been submitted in this case and the petitioner is in custody since 04.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the recovery has been made from the vehicle of this petitioner.

Having regard to the submission made on behalf of the parties and further considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his possession and also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Additional Sessions Judge-II-cum Special judge, Excise Act, Madhubani in connection with Babubarhi P.S. Case No. 172 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

Gautam/-

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

