

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43734 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- CHANPATIA District- West Champaran

Bhukhal Mahto, Son of Harakh Mahto, Resident of village- Garbhua Lala Tola, Police Station- Chanpatiya Sirisiya O.P, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Anant Kumar Mishra, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Chanpatiya Sirisiya (O.P.) P.S. Case No. 146 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

The police in course of patrolling duty, received a confidential information with regard to manufacturing of illicit liquor, raided the village Garbhua Lala Tola and on search total 5 litres of country made liquor, 200 litres of raw materials and



other utensils and apparatus were recovered. It is further alleged that on noticing the police party, two persons succeeded in fleeing away and the name of the petitioner has been disclosed by the spy of the police.

Learned counsel appearing on behalf of the petitioner submits that from the perusal of the F.I.R., it would be evident that the alleged recovery has been made near a pond, which is an open place, accessible to all and neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person or possession. He further submits that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case without any cogent material. He lastly submits that the petitioner is in custody since 09.04.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery has been made from an open place, near the pond, which is accessible to all and the petitioner is in custody since 09.04.2022, though the investigation of the crime is already complete and charge-sheet



has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Act, Bettiah, West Champaran in connection with Chanpatia Sirisiya O.P. P.S. Case No. 146 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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