

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45068 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- MAJHAULIA District- West Champaran

Raju Mahto @ Raju Dhangad Son of Late Ramchandra Dhangad Resident of
Village - Bakhariya Dhangad Tola, P.s.- Majhauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Majhauriya P.S. Case No. 23 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.05.2022.

The allegation against the petitioner is to involve in



the illegal trading of illicit liquor, where 132 liters of illicit country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of secret input and further the alleged recovery of illicit liquor was made from bushes developed in the open field, which is not connected with the petitioner in any manner. It is submitted that nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the alleged recovery. 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 opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner 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 Majhauriya P.S. Case No. 23 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 Exclusive Special Judge, Excise, Bettiah, West
Champaran/concerned Court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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