

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45861 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- SAHODARA District- West Champaran

Ashok Mahto @ Ashok Mahato, Son Of Bagad Mahto, R/O Kamta Farm,
Sahodra, P.S.- Sahodra, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sahodara P.S. Case No. 99 of 2021 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Allegedly, total 5 litres of country made liquor was
recovered from the house of the petitioner when a raid was
conducted in a special drive against illicit liquor. About 200
litres of raw material was also recovered which was destroyed.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. There is no material on record to show that the petitioner had kept the illicit liquor in his house and the said recovery has been made from the wall adjacent to the house of the petitioner which does not belong to this petitioner. The petitioner is in custody since 30.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has made accused in one other case.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet along with his period of custody, 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 Special Judge, Excise, Bettiah, West Champaran in connection with Sahodara P.S. Case No. 99 of 2021 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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)

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