

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49180 of 2022

Arising Out of PS. Case No.-396 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

Shiv Chandra Mahato S/o Late Birju Mahato R/o village- Somnaha Ward No.
09, P.S.- Chakmahesi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Excise Case No. 396 of 2020, G.R. No. 393 of
2020 registered for the alleged offences under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, on the basis of secret
information, a raid was conducted by the police at the house of
the petitioner. During the course of search, total 19.775 liters of
illicit foreign liquor was recovered from the hut made in the
back side of the petitioner's house. The petitioner is said to have



fled away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He has no concern with the allegedly seized liquor and no recovery has been made from his conscious possession. The petitioner was not apprehended from the spot. Learned counsel further submits that the recovery has been made from a hut which was an open place and any one can access it easily. During the course of investigation, no substantive evidence has come up against this petitioner to connect him with the present case. Charge sheet has been submitted in this case and the petitioner is in custody since 06.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner, 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)-02, Samastipur in connection with Excise Case No. 396 of 2020, G. R. No. 393 of 2020, 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)

Gautam/Daya

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