

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52178 of 2022**

Arising Out of PS. Case No.-149 Year-2022 Thana- MEHANDIA District- Jehanabad

1. Pitambar Kumar Mahto Son of Shri Shyam Nandan Mahto R/O Village- Homboi, P.S.- Sadar, District- Ranchi (Jharkhand)
2. Sagar Kumar Son of Hakindar Karmali R/O Village- Nawagarh Soso, P.S.- Sikidari, District- Ranchi (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Raj, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 14-10-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel 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 petitioners seek bail in connection with Mahendia P.S. Case No. 149 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and in custody since 07.07.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 188.500 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioners are drivers of two different vehicles from where, total of 188.500 litres of Indian made foreign liquor was recovered. It is further submitted that nothing incriminating material surfaced during the course of investigation which may suggest that petitioners were under knowledge to have in possession of alleged illicit liquor. It is also submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is also submitted that petitioners are men of clean antecedent and moreover, investigation of this case is completed, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list being not supported by independent witnesses, where petitioners are men of clean antecedent coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Mahendia P.S. Case No. 149 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction
of learned Special Judge-II, Excise, Jehanabad/concerned court,
subject to the conditions as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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