

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54295 of 2022

Arising Out of PS. Case No.-112 Year-2020 Thana- PURNEA SADAR District- Purnia

Rahul Kumar Mahto @ Rahul Kumar @ Rahul Kumar Ranjan S/o Dilip
Kumar Mahto @ Dilip Mahto R/o village- Kalabalua, P.S.- Raniganj, District-
Araria

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the

petitioner 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 petitioner seeks bail in connection with Sadar P.S.
Case No. 112 of 2020 registered for the offence under Sections
272/273 of the Indian Penal Code and 30(a) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 180 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was implicated in present case only for the



reason that he is the registered owner of the alleged vehicle from which recovery of alleged illicit liquors was made. It is further submitted that name of petitioner surfaced on the basis of apprehended co-accused namely, Amit Jaiswal and as such it can be safely said that recovery of illicit liquor was not made from conscious physical possession of this petitioner. While concluding the argument, it is categorically submitted that investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears from conscious physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sadar P.S. Case No. 112 of 2020 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 Excise Judge, Court No. 1, Purnea/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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