

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57057 of 2022

Arising Out of PS. Case No.-224 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

Kamlesh Mahto @ Kamlesh Kumar S/O Phulchandra Mahto @ Phulchandra Singh, Resident of Village- Dalelganj, P.S.- Sasaram, (T), District- Rohtas, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar,A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 Sasaram (Muffasil) P.S. Case No. 224 of 2019
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, on the basis of secret
information, from a truck recovery of 9797.760 liters of India
made foreign liquor was made. In tune with the secret
information received by the police, the local *chowkidaar* named
this petitioner as well as other co-accused persons who fled

away from the spot when the raid was being conducted.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the truck seized by the police or the illicit liquor recovered from the said truck. Learned counsel further submits that *chowkidaar* guessed about the identity of the fleeing person and on the basis of resemblance named the petitioner. Learned counsel further submits that it is a out and out false case and nothing incriminating has been found against the petitioner during investigation. Charge sheet has been submitted in this case and the petitioner is in custody since 27.06.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got criminal antecedent.

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 his conscious possession 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 Exclusive Special Excise Court-2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Sasaram (Mufassil) P.S. Case No. 224 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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