

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54706 of 2022

Arising Out of PS. Case No.-102 Year-2019 Thana- BHAGWANPUR District- Begusarai

Yogjit Mahton Son of Bharat Mahton @ Bharat Chaurasia Resident of Village
- Sanjat, P.S. - Bhagwanpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Bhagwanpur P.S. Case No. 102 of 2019 registered for the alleged offences under Sections 420 and 120(B) of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition Act and Excise Act, 2018.

As per prosecution case, police received secret information about co-accused Babita Devi openly selling illicit liquor from her house and a number of vehicles being parked at the door of her house for carrying the illicit liquor. A raid was conducted and a number of co-accused persons were apprehended from the spot. From the two Scorpio vehicles and the house of the co-accused Babita Devi, recovery of 161.25 litres of India made foreign liquor was made. The petitioner is stated to be the owner



of one Maruti Alto bearing registration no. BR-01AR-6796 which was also seized from the spot.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and the petitioner has been dragged in this case as the Maruti Alto vehicle standing at the place of occurrence belongs to this petitioner. Learned counsel further submits that this vehicle was sold by the petitioner to one Md. Shakeel, but due to some reason the ownership could not be transferred. Though recovery has been shown from two vehicles and the house of the co-accused, no recovery has been shown from the vehicle of this petitioner. The petitioner is said to be the owner of the vehicle. Learned counsel further submits that a number of co-accused persons have been granted bail by different Coordinate Benches of this Court vide order dated 16.07.2019 passed in Cr. Misc. No. 43761 of 2019, order dated 16.08.2019 passed in Cr. Misc. No. 49351 of 2019 and order dated 08.03.2022 passed in Cr. Misc. No. 63775 of 2021, respectively. The petitioner is in custody since 17.07.2022 and charge sheet has been submitted.

Learned APP opposes the prayer for bail made on behalf of the petitioner. Learned APP submits that petitioner is having one criminal antecedent vide Bhagwanpur P.S. Case No. 145 of 2016 under Section 307 of I.P.C.

Having regard to the facts and circumstances and



submissions 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 further considering the accusation is merely on the basis that his car was found at the place of occurrence and also considering period of custody of the petitioner along with the submission of charge-sheet, 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 Sessions Judge Excise-I, Begusarai in connection with Bhagwanpur P.S. Case No. 102 of 2019, subject to 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 for 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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