

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60355 of 2022**

Arising Out of PS. Case No.-77 Year-2019 Thana- SAHPUR District- Patna

BHOLA MAHTO Son of Laxmi Mahto @ Tunki Mahto R/o- Futani Bazar,
Noniya Toli, P.S.- Shahpur, District – Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ghanshyam Tiwary, Advocate
For the State : Mr. Nand Kumar, APP

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

2 24-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Shahpur P.S.
Case No.77 of 2019 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.04.2022.

The allegation against the petitioner is to be involved
in illegal trade of illicit liquor, where, there was recovery of 100
litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor was made from



open place as it appears from seizure list and not from the physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above, as the recovery of illicit liquor appears to be made from open place coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shahpur P.S. Case No.77 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Danapur, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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