

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56896 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- LAKHNAUR District- Madhubani

Kamlesh Kumar Mahto, Son of Ram Lakhan Mahto, Resident of Village-
Arariya Sangram Ward No.6, P.S.- Jhanjharpur(Arariya Sangram O.P.)
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, 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 Lakhnaur R.S.O.P P.S. Case No. 146 of 2022
registered for the alleged offences under Sections 272, 273 and
34 of the Indian Penal Code and under Section 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 108 liters of
Nepali country made liquor was made from an identified place
on the basis of tip off received by the police and the petitioner
was apprehended from the place of occurrence when he tried to

flee away.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery has been made from the conscious possession of the petitioner as it is clear from the F.I.R. that the illicit liquor has been seized from the semi-constructed house of one Amarnath Jha. There is nothing in the F.I.R. about ownership of the seized liquor and the informant has not disclosed his basis for satisfaction about illicit liquor having any connection with the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 19.07.2022.

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

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation against this petitioner and 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 Special Judge, Excise Act, Jhanjharpur, Madhubani in

connection with Lakhnaur R.S.O.P. P.S. Case No. 146 of 2022,
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)

Gautam/daya

U		T	
---	--	---	--