

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59263 of 2022

Arising Out of PS. Case No.-234 Year-2022 Thana- BAKHARI District- Begusarai

Niraj Kumar @ Niraj Mahto Son of Ram Udgar Mahto R/O Village- Bagwan,
P.S.- Bakhri, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Anshu Dhar Sharma, Advocate
For the State : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bakhri
P.S. Case No. 234 of 2022 registered for the offence under
Section 120(B) of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.09.2022.

The allegation against the petitioner is to be involved



in illegal business of illicit liquor, where 733.830 litres of country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the house of co-accused Hari Narayan Mahto and not from the physical possession of the petitioner. It is submitted that petitioner is involved in six more criminal cases, where he is on bail in four cases and for that reason, he was implicated in the present case also, without having any connecting material. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bakhri P.S. Case No. 234 of 2022 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-II, Begusarai/concerned Court,
subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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