

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58501 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- PAROO District- Muzaffarpur

Subhash Kumar Mahto @ Subhash Kumar, S/O Sri Shambhu Mahto,
Resident of Village- Baradaud koriya Tola, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
APP 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 Paroo P.S. Case No. 359 of 2021 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, recovery of total 1225.44
litres of India made foreign liquor was made from the two
vehicles and the kitchen shed of a school. The petitioner was not
apprehended from the spot and his name was confessed by other
co-accused persons who were apprehended from the spot for
being involved in this illicit business.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the seized illicit liquor or the persons who apprehended from the spot. The petitioner has neither the owner nor the driver of the vehicles in question. The petitioner is in custody since 02.09.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is accused in two other cases.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering 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 Exclusive Special Judge Excise Court No.-II, Muzaffarpur in connection with Paroo P.S. Case No. 359 of 2021, 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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