

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58935 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- PAROO District- Muzaffarpur

Subhash Kumar Mahto @ Subhash Kumar, Son of Sri Shambhu Mahto, R/V-
Baradaud Koriya Tola, P.s- Paroo, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, 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. 299 of 2021 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, police received secret
information about some persons unloading consignment of
illicit liquor. A raid was conducted at the identified place and on
search, recovery of total 202.59 litres of India made foreign
liquor was made from a magic vehicle standing near a bamboo
clump. On seeing the police party, 3-4 persons started fleeing



away from the spot. The name of the petitioner transpired as an accused during investigation.

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 vehicle in question from which the recovery has been shown. Other similarly placed co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 29.07.2022 passed in Cr. Misc. No. 25897 of 2022, order dated 06.08.2022 passed in Cr. Misc. No. 30625 of 2022 and order dated 31.08.2022 passed in Cr. Misc. No. 43093 of 2022. The case of the petitioner is on similar footing. The petitioner is in custody since 11.08.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is accused in others cases of similar nature.

Having regard to the facts and circumstance 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 grant of bail to similarly placed co-accused persons and also considering the period of custody of the petitioner along with submission of charge-sheet against him, 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. 299 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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