

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58878 of 2022**

Arising Out of PS. Case No.-587 Year-2022 Thana- KOILWAR District- Bhojpur

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Viresh Kumar Mahto @ Viresh Kumar Son of Swami Nath Resident of  
Village - Babhanbalia, P.S.- Daudpur, District - Saran (Chapra), At present  
residing at House No.- 153 A, Jhandapur, I. E. Sahibabad, P.S.- Link Road,  
U.P. (78227524601-8800339194)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner

:

Mr.Arun, Advocate

For the State

:

Mr.Rajesh Kumar, APP

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

2      19-11-2022                      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 Koilwar  
P.S. Case No. 587 of 2022 registered for the offence under  
Sections 467, 468, 471 and 34 of the Indian Penal Code and  
Section 30(a), 32, 36 and 41(1) of the Bihar Prohibition and  
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 18.09.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 241.92 litres of illicit IMFL liquor/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of only 120.96 liters of illicit liquor was made out of 241.97 liters of total recovered liquor from the car of the petitioner, where nothing surfaced during the course of investigation, which may suggest that the petitioner was under knowledge to have in possession of alleged illicit liquor. It is further submitted that the alleged recovery of illicit liquor cannot be said to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is also submitted that the seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioner in the background of doubtful seizure list, let the petitioner, above named, is directed to be released on bail in connection with Koilwar P.S. Case No. 587 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 Judge-II, Bhojpur, Ara/concerned Court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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