

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60117 of 2022

Arising Out of PS. Case No.-478 Year-2021 Thana- MASHRAK District- Saran

Mantosh Kumar @ Mantosh Sah, Son of Srawan Sah, Resident of Village -
Dumarshan, P.S.- Mashrakh, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Mashrakh P.S. Case No. 478 of 2021 registered for the alleged offences under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

As per prosecution case, police received information about the petitioner and two other co-accused persons hiding India made foreign liquor in bush. A raid was conducted and the petitioner and two other co-accused persons fled away from the spot. Recovery of 56 litres of India made foreign liquor was made from the bushes.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The recovery has been shown from an open place and no liability could be fastened on the petitioner. The place from where the recovery has been made does not belong to this petitioner. The petitioner has been made accused in this case due to his past antecedents. The petitioner is in custody since 30.12.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is accused in a large number of 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 further 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 learned Exclusive Special Excise Court, Saran at Chapra in connection with Mashrakh P.S. Case No. 478 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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