

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61359 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- SAHODARA District- West Champaran

Munna Mahto S/o Nandu Mahto R/o- Kamta Farm, Sahodra, P.S.- Sahodra,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Umesh Kumar Gupta, Advocate
For the State	:	Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Sahodara P.S. Case No.99 of 2021 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 18.05.2022.

The allegation against the petitioner is to be in illegal



possession of illicit liquor, where, there was recovery of 5 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from side wall of the house of this petitioner, which is an open place and accessible by general public and, as such, it can be safely gathered that the recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances as mentioned above as the recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let above named petitioner directed to be released on bail in connection with Sahdora P.S. Case No.99 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special



Judge, Excise, Bettiah, West Champaran/concerned court,
subject to the conditions as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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