

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63145 of 2022**

Arising Out of PS. Case No.-12 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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SUBODH MAHTO S/o Dharma Mahto R/o Village- Bhadas North Neemtar,
P.S.- Muffasil, Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

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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.

At the outset, learned counsel for the petitioner
submitted that inadvertently, excise case no., in the satisfaction
portion of the bail petition, has been wrongly typed as ‘Excise
Case No. 40c3/2021’ instead of ‘12c3/2021’.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Excise



Case No. 12c3 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the prosecution report and is in custody since 25.07.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 1209.600 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the house of co-accused, Chandan Kumar, where name of the petitioner surfaced purely on the basis of suspicion as raised on behalf of the unknown villagers, who gathered at the place of recovery. While concluding the argument, it is submitted that investigation of this case is complete, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as save and except suspicion, nothing surfaced against this petitioner during the course of investigation coupled with the fact that petitioner is in custody since 25.07.2022, let the petitioner, above named, is directed to be released on bail in connection with Excise Case No. 12c3 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 learned Special Excise Judge-2, Khagaria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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