

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66475 of 2022

Arising Out of PS. Case No.-499 Year-2021 Thana- BODHGAYA District- Gaya

=====

Pritam Kumar Mahto S/o Bandhan Mahto R/o Village- Baidkaro Basti, P.S.-
Gandhi Nagar Verma, Distt- Bokaro, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Bodhgaya
P.S. Case No. 499 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Sections
30(a), 32(2), 33, 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 31.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 4200 litres of spirit.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor/spirit was made from the truck, which has already been sold to the son of the driver of the said truck, long back in year 2017 through agreement dated 03.02.2017, where implication is purely on the basis of technical reason as Registration Certificate (RC) could not transfer in favour of the purchaser of the alleged truck. It is further submitted that admittedly, it is not a case of recovery of alleged illicit spirit from the conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, 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 implication is due to non-transferring of Registration Certificate, where admittedly, recovery of illicit spirit was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Bodhgaya P.S. Case No. 499 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 Exclusive Excise Court No.1, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C with further condition:

“That Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

