

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65388 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- CHANPATIA District- West Champaran

Gharbharan Mahto S/o Late Prabhu Mahto R/v- Garbhuwa Lala Tola, P.S.-
Sirisiya O.P., District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Petitioner : Mr. Sanjeev Kumar Shrivastava
For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 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 Chanpatia (Sirisiya O.P.) P.S. Case No.117 of 2021 registered for the offence under Sections 30(a), 30(b) and 30(c) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is not named in the F.I.R. and is in custody since 12.09.2022.

The allegation against the petitioner is to be in possession of illicit liquor, where, there was recovery of 30 litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from the roadside and not from the physical possession of this petitioner, where name of petitioner surfaced on the basis of input provided by police spy, where nothing surfaced during the course of investigation, to connect this petitioner with the present set of recovery of illicit liquor. It is also pointed out that petitioner is involved in five more cases where, he is on bail and in most of the cases his name surfaced on the basis of input provided by police spy, as in the present case. 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 recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Chanpatia (Sirisiya O.P.) P.S. Case No.117 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 Special Judge Excise, Bettiah, West Champaran/con-
cerned court, subject to the conditions as mentioned under Sec-
tion 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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