

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67692 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- PATLIPUTRA District- Patna

1. Sudhir Mahto Son of Late Deolal Mahto Resident of Mohalla - L.C.T. Ghat, Jhoparpatti, Police Station - Patliputra, District - Patna.
2. Shankar Mahto Son of Sudhir Mahto Resident of Mohalla - L.C.T. Ghat, Jhoparpatti, Police Station - Patliputra, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Patliputra P.S. Case No. 51 of 2022 registered for the offence under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 10.03.2022.

The allegation against the petitioners is to be engaged



in illegal trade of illicit liquor, where, there is recovery of 90 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor was made from hut, which is not connected in any manner with the petitioners and, as such, it can be said that recovery was not made from the conscious physical possession of these petitioners. It is submitted that petitioners were found involved in two more cases of similar nature, out of said suspicion, both the petitioners were implicated in the present case also. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

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

Considering the facts and circumstances as mentioned above, as the recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has already been submitted, let both of petitioners, above named, are directed to be released on bail in connection with Patliputra P.S. Case No.



51 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna/concerned court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C., with further condition:

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

(Chandra Shekhar Jha, J.)

S.Katyayan/-

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

