

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68376 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- BAKHARI District- Begusarai

1. Niraj Kumar @ Niraj Mahto Son of Ram Udgar Mahto R/O Village- Bagwan, P.S.- Bakhri, District- Begusarai
2. Anil Kumar Son of Maheshwar Mahto R/O Village- Bagwan, P.S.- Bakhri, District- Begusarai
3. Ghanshyam Ray Son of Late Yugal Ray R/O Village- Darha Than Singh, P.S.- Bakhri, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

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

The petitioners seek bail in connection with Bakhari
P.S. Case No. 332 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
under Section 120(B) of the Indian Penal Code (I.P.C.).

The petitioner no. 1 is named and petitioner nos. 2 and
3 are not named in the F.I.R. and they are in custody since
22.09.2022, 24.08.2022 and 08.09.2022 respectively.



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2964.96 litres of IMFL/country made liquor from the alleged truck.

Learned counsel appearing on behalf of the petitioners submitted that the name of these petitioners surfaced on the basis of disclosure made by apprehended driver of the alleged vehicle and admittedly, no recovery of illicit liquor was made from the possession of these petitioners. It is pointed out that petitioner no. 1 found involved in 6 cases, where he is on bail in 4 cases, where petitioner no. 2 is a man of clean antecedent and petitioner no. 3 is also found involved in one case, where he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of these petitioners coupled with the fact that charge-sheet has been submitted, let all three petitioners, above named, are directed to



be released on bail in connection with Bakhari P.S. Case No. 332 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 Excise Judge-2, Begusarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

“(i) That the accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of these petitioners.

(ii) Accused/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 documents.”

(Chandra Shekhar Jha, J)

pooja/-

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

