

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13958 of 2023

Arising Out of PS. Case No.-483 Year-2021 Thana- CHANPATIA District- West Champaran

RAMCHANDRA MAHTO Son of Late Jawahir Mahto R/V- Garabhuwa Lala
Tola, P.s- Chanpatia (Sirisiya O.P) Dist- West champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Chanpatia (Sirisiya O.P.) P.S. Case No. 483 of 2021 dated
27.09.2021 registered for the offence punishable under Section
30(a) of Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned counsel
for the petitioner are that the instant matter relates to the
recovery of 23 litres of illicit country made liquor but as per the
allegation, only five litres of the said seized liquor is stated to
have been recovered from the *Bhathi*, which is stated to be
under the control of this petitioner but in fact, the petitioner has
been falsely made accused in this case and he had no concern
with the said *Bhathi* and the same was not found to be situated



on the land of the petitioner. Further submissions are that the petitioner was not arrested at the spot and as per the prosecution, his name came into light in the disclosure made by a police spy and the said information has no evidentiary value, though against the petitioner, there are criminal antecedents of seven cases but he has got bail in five cases out of these and co-accused Lalan Mahto, carrying similar nature of allegation, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 27562/2022.

4. Learned APP appearing for the State has opposed the bail prayer and submitted that the instant matter relates to the recovery of illicit manufactured and semi-manufactured country made liquor and a huge quantity of illicit semi-manufactured liquor was recovered from several *Bhathis* and the petitioner was indulged in manufacturing the said illicit liquor and there is serious allegation against the petitioner and he has criminal antecedent of several cases.

5. Considering the above submissions and mainly the facts that the petitioner was not arrested at the spot and as per the prosecution, his name was disclosed by a local Chawkidar as being involved in the alleged crime and against the petitioner, the investigation has been completed and one similarly situated



co-accused mentioned-above is on bail, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail, **after framing of charge**, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Chanpatia (Sirisiya O.P.) P.S. Case No. 483 of 2021.

(Shailendra Singh, J)

annu/-

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

