

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26432 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- NAUTAN District- West Champaran

Mahendra Dhangar @ Mahinder Mahto Son Of Ramraj Dhangar Resident Of
Village- Bhediharwa Ps- Nautan, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 16-05-2023 **1.** Heard learned counsel for the petitioner and the learned APP for the State.
- 2.** Petitioner seeks regular bail in connection with Nautan P.S. Case No. 76 of 2022 dated 13.02.2022 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 as per the allegation, 20 litres of *country made illicit liquor* is stated to have been recovered from a maize field at the back side of petitioner's house and 300 litres of *semi-manufactured illicit liquor* was also recovered from the spot of recovery and the same was destroyed by the police and regarding the place of recovery as

shown in the FIR, the seizure list is completely silent and the place of recovery has been shown as village *Bhediharwa* and the said contradiction casts a serious doubt with regard to the place of recovery and moreover, the petitioner was not apprehended at the spot of recovery and his identity as well as his role in the alleged crime was disclosed by local *Chawkidar*, though against the petitioner there are criminal antecedents of three cases but he has got bail in two of the said cases and in the present matter, he has been languishing in jail since 27.08.2022 and against him, the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the completion of the investigation against this petitioner and also the facts that as per the FIR, the place of recovery is stated to be a maize field situated at the back side of petitioner's house while in the seizure memo, there is no detail of the place of recovery and the petitioner was not apprehended at the spot of recovery, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail 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 Nautan P.S. Case No. 76 of 2022.

(Shailendra Singh, J)

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