

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41001 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- GADHPURA District- Begusarai

Ranjit Mahto @ Ranjit Kumar Mahto @ Ranjit Kumar Son of Rajendra Mahto Resident of Village - Sihi Tola Goriyahi, Ward No. 14, P.S. - Hasanpur, Distt. - Samastipur

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with Gadhpura P.S. Case No. 67 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is in custody since 28.04.2023.

5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1877.76 litres of IMFL/country made liquor from the alleged vehicle.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and his name surfaced in this case on the disclosure made by apprehended co-accused, namely, Raushan Kumar and as such, it can be safely gathered that alleged recovery of illicit liquor not made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Gadhpura P.S. Case No. 67 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Court No. 1, Begusarai/concerned court, subject to the
conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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

