

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41157 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- ISUAPUR District- Saran

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Ram Babu Mahto S/o Late Heera Mahto R/O Village- Doila, P.S- Isuapur,
Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-07-2023 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 Isuapur
P.S. Case No. 280 of 2022 registered for the offence under
Sections 272, 273, 328, 308, 304, 120(B) of the Indian Penal
Code and Sections 33/34 of the Bihar Prohibition and Excise
Act.

4. The accused/petitioner not is named in the F.I.R.
and is in custody since 03.01.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 30 litres of Spirit from the alleged house.



6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit Spirit was made from the premises of co-accused, namely, Hareram Mahto. It is submitted that the name of this petitioner surfaced on the basis of self confession/confession of co-accused Hareram, where in furtherance of no incriminating material including Spirit as alleged was recovered from the possession of this petitioner as to connect him *prima facie* with the present recovery of illicit Spirit. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is 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 fact as no illicit spirit appears to be recovered from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.01.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Isuapur P.S. Case No. 280 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned IInd Additional Sessions Judge-Cum-1st Exclusive Special Judge, Excise Saran, Chhapra/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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