

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44253 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- CHHABILAPUR District- Nalanda

CHANDAR MAHTO SON OF LATE SADASHI MAHTO R/O VILLAGE-
BARAUHNA, P.S.- CHABILAPUR, DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Chabilapur P.S. Case No. 38 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 02.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 212.625 litres of illicit liquor.

5. Learned counsel appearing on behalf of the



petitioner submitted that alleged recovery of illicit liquor appears to be made from *Baithka/Dalan*, which an open place and accessible to general public, as such, it can be safely said that alleged recovery of illicit liquor was not made from conscious physical possession of this petitioner. 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 already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, rather from an open place coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 02.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Chabilapur P.S. Case No. 38 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IIInd-cum-Special Judge, Excise, Biharsharif,



Nalanda/concerned court, subject to the condition as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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