

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44688 of 2023

Arising Out of PS. Case No.-328 Year-2023 Thana- MAJHAULIA District- West Champaran

Dhanai Mahto S/O Late Buni Mahto R/O Village- Baithaniya, Ward No. 04,
Ps. Majhauiliya, Dist. West Champaran

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 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
Majhauiliya P.S. FIR No. 328 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 03.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 05 litres of IMFL/country made liquor from
the bag.



6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor appears to be made from a bag, hung with the handle of motorcycle and as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. It is further submitted that alleged motorcycle is not connected in any manner with this petitioner. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, 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, as recovery of alleged 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 03.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Majhauriya P.S. FIR No. 328 of 2023 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 Judge, Excise, West Champaran at Bettiah/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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