

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44921 of 2023

Arising Out of PS. Case No.-391 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Pintu Mahto Son Of Bilash Mahto Resident Of Village- Sirsa Biran Ward No.
1, Ps- Lalganj, Dist- Vaishali.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 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 Excise

P.S. Case No. 391 of 2023 registered for the offence under
Sections 30(a)/32(i)(iii) and 41(i)(ii) of the Bihar Prohibition
and Excise Act, 2018.

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

in custody since 12.06.2023.

5. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 100 litres of IMFL/country made liquor



from the Tempo.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the Tempo and alleged recovery of illicit liquor was made from the public carrier i.e. Tempo, which is accessible by general public and it can be said safely that recovery of alleged illicit liquor not appears to be made from the 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 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 alleged recovery of illicit liquor was made from public carrier suggesting that recovery 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 12.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Excise P.S. Case No. 391 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
Exclusive Special Excise Court No. II-cum-Additional District
& Sessions Judge, Vaishali at Hajipur/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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