

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45426 of 2023

Arising Out of PS. Case No.-167 Year-2020 Thana- BIBHUTIPUR District- Samastipur

PRAMOD KUMAR MAHTO @ PRAMOD MAHTO son of Sonelal Mahto
village- Mustafapur Ps- Bibhutipur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 167 of 2020 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 25.04.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 5418 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was not apprehended on spot
and his name surfaced on the basis of disclosure made by
apprehended co-accused person. It is submitted that recovery not
appears to be made from the conscious physical possession of the



petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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.

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

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Bibhutipur P.S. Case No. 167 of 2020 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 Court of Special Judge, Excise-1, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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