

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43854 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- BARHIYA District- Lakhisarai

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Lalit Kumar @ Lalit Kumar Mahto S/O Panchu Mahto R/O Madhu Tola, P.S-
Khanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46188 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- BARHIYA District- Lakhisarai

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Manoj Ray Son Of Vinod Ray @ Binod Ray Resident Of Kalla Bypass More,
Ward No.32, P.S. - North Asansol, District - Bardwan, State - West Bengal

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 43854 of 2023)

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 46188 of 2023)

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-07-2023

In Cr. Misc. No. 43854 of 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 Barahiya
P.S. Case No. 86 of 2023 registered for the offence under Sections
30(a), 32 and 41 of the Bihar Prohibition and Excise Act.

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



custody since 16.04.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 594 litres of IMFL/country made liquor from the alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor made from a vehicle, which was jointly occupied by other co-accused persons and it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of 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.

6. Learned APP opposes the prayer of bail.

7. 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 16.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Barahiya P.S. Case No. 86 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 Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court-I, Lakhisarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned 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 learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned 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.”

In Cr. Misc. No. 46188 of 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 Barahiya
P.S. Case No. 86 of 2023 registered for the offence under Sections
30(a), 32 and 41 of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 16.04.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 594 litres of IMFL/country made liquor from the
alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner
submitted that recovery of alleged illicit liquor was made from a
vehicle, which was jointly occupied by other co-accused persons,
where petitioner was co-passenger/helper and was not under
knowledge of carrying consignment of illicit liquor and, as such, it
can be said safely that recovery not appears to be made from
conscious physical possession of this petitioner. While concluding
the argument, it has been 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 opposes the prayer of bail.

7. 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, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Barahiya P.S. Case No. 86 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 4th Additional District and Sessions Judge-IV-cum-Special Judge, Lakhisarai/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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