

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48054 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- SARAI RANJAN District- Samastipur

Awadhesh Mahto S/O Ramashish Mahto Resident Of Village-Chakba, P.S.-
Sarairanjan (Ghatho O.P.), District-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 : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 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
Sarairanjan (Ghatho O.P.) P.S. Case No. 92 of 2022 registered
for the offence under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act.

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

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 160 litres of IMFL/country made liquor
from the Orchard.

6. Learned counsel appearing on behalf of the



petitioner submitted that alleged recovery of illicit liquor was made from an open orchard of Umesh Mahto and Rajkumar Mahto, which is an open place and 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 found involved in two more criminal cases, where one is of similar nature, where he is on bail, 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 appears to be made from an open place, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Sarairanjan (Ghatho O.P.) P.S. Case No. 92 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-1, Samastipur/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) 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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