

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71088 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- SAHIYARA District- Sitamarhi

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Dinesh Mahto S/O Late Lakshmi Mahto Resident of village- Sahpur, P.S.-
Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

: Smt. Divya Bharti, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-04-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Sahiyara
P.S. Case No.97 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.08.2022.

The allegation against the petitioner is to found in
possession of 16.350 liters of *nepali* liquor, which alleged to be
recovered from the outer shed of the house belonging to this
petitioner.



Learned counsel appearing on behalf of the petitioner submitted that from the face of F.I.R. it can be safely gathered that recovery of alleged liquor not appears to be made from the conscious physical possession of the petitioner for the reason that alleged illicit liquor was recovered from the outer shed of the house. It is also submitted that the compliance of Section 100(4) of the Cr.P.C. was not made in the present case. While concluding the argument, it is submitted that petitioner found involved in two more cases and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances as mentioned above as recovery of alleged liquor not appears to be made from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Sahiyara P.S. Case No.97 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 Exclusive Special



Excise Court-I, Sitamarhi/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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