

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38651 of 2024**

Arising Out of PS. Case No.-14 Year-2022 Thana- BIDUPUR District- Vaishali

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Anand Mahto @ Nanda Mahto S/o Late Shambhu Mahto R/o vill - Rajashan,
P.S. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mrs. Asha Kumari

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 28-06-2024 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

Bidupur P.S. Case No. 14 of 2022 registered for the

offence under Sections 30(a) of the Bihar Prohibition and

Excise Act, 2018.

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

in custody since 17.02.2024.

4. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 300 litres of country made



liquor and 300 litres of semi prepared Java from an open place.

5. Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from an open place as Pakauli Diyara and admittedly, the recovery of illicit liquor is not from the physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor was made from an open place, as per seizure list.

7. Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from an open place and not from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Bidupur P.S. Case No. 14 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 Excise Court No. 1 cum Additional District Judge, Vaishali at Hajipur, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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