

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57549 of 2024

Arising Out of PS. Case No.-287 Year-2020 Thana- WARISNAGAR District- Samastipur

Bhola Mahto @ Bhola Sah S/o- Rajendra Mahto village- Madhutol Ps-
Khanpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Warisnagar P.S. Case No. 287 of 2020 registered for the

offence under Sections 467, 468, 471 and 120(B) of Indian

Penal Code and Sections 30(a) and 41(i)(ii) of Bihar

Prohibition and Excise Act.

3. The accused/petitioner is not named in the

F.I.R. and is in custody since 19.06.2024.

4. The allegation against the petitioner is to have in

possession of 3104.25 liters of IMFL, which was recovered

from a truck.



5. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Manjay Kumar and admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that said co-accused, namely, Manjay Kumar has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 29677 of 2021 vide order dated 20.01.2022. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail in both cases and, moreover investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

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

7. In view of the facts and circumstances. as mentioned above, as recovery not appears to be made from the conscious physical possession of the petitioner coupled



with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Warisnagar P.S. Case No. 287 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Subordinate Court, learned Special Judge Excise-02, Samastipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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