

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67704 of 2022

Arising Out of PS. Case No.-277 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Santosh Mahto Son of Late Rajendra Mahto R/O Vill.- Bahadurpur Armauli,
P.S.- Dalsinghsarai (GHATHO O.P.), Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67761 of 2022

Arising Out of PS. Case No.-277 Year-2022 Thana- DALSINGHSARAI District- Samastipur

1. Sukha Mahto @ Sanjeet Mahto S/O Late Sone Lal Mahto R/o village- Bahadurpur, Armauli, P.S.- Ghatho (O.P.), District- Samstipur,
2. Deepak Mahto S/o Devanand Mahto R/o village- Bahadurpur, Armauli, P.S.- Ghatho (O.P.), District- Samstipur,
3. DEVANAND MAHTO S/o Laddu Lal Mahto R/o village- Bahadurpur, Armauli, P.S.- Ghatho (O.P.), District- Samstipur,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67704 of 2022)

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

For the Opposite Party/s : Md. Nazir Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 67761 of 2022)

For the Petitioner/s : Ms. Aprajita, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022

Cr. Misc. No. 67704 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Dalsinghsarai (Ghatho O.P.) P.S. Case No. 277 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code (I.P.C.) and under Sections 30(a) and 41 (i) (ii) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 21.09.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2 litres of country made liquor and 230 litres of semi-prepared liquor from an open place.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from roadside bush, which is not connected in any manner with this petitioner, being an open area, accessible by general public. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.



Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dalsinghsarai (Ghatho O.P.) P.S. Case No. 277 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, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

“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.”

Cr. Misc. No. 67761 of 2022

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.



Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Dalsinghsarai (Ghatho) P.S. Case No. 277 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code (I.P.C.) and under Sections 30(a) and 41 (i)(ii) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 03.08.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2 litres of country made liquor and 230 litres of semi-prepared liquor from an open place.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor was made from roadside bush, which is not connected in any manner with these petitioners, being an open area, accessible by general public. It is also submitted that petitioner no. 1 involved in 1 more criminal case of similar nature, where he is on bail and petitioner no. 2 is a man of clean antecedent. 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.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place coupled with the fact that charge-sheet has already been submitted, let both above named petitioner are directed to be released on bail in connection with Dalsinghsarai (Ghatho O.P.) P.S. Case No. 277 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 Judge-1, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

“Accused/Petitioners 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 petitioners duly supported by the documents.”

(Chandra Shekhar Jha, J)

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