

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68111 of 2022**

Arising Out of PS. Case No.-412 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Lakhisarai

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Indradev Mahto Son of Late Doman Mahto R/v- Pachna road Kiul Basti, P.S.  
and District- Kabaiya, Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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

2      24-12-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned APP 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 Excise  
P.S. Case No. 412C2 of 2022 registered for the offence under  
Sections 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 13.10.2022.

The allegation against the petitioner is to have in  
possession of 1 litre of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner  
submitted that as recovery of alleged illicit liquor was made



from plastic bottle which is not connected in any manner with this petitioner and, as such, it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made 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 Excise P.S. Case No. 412C2 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 Additional District and Session Judge-V-cum-Exclusive Special Excise Court No.2, Lakhisarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C with further condition:

“That Accused/Petitioner shall  
cooperate in the trial and shall be physically



present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents”.

**(Chandra Shekhar Jha, J)**

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