

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23805 of 2018

Arising Out of PS. Case No.-19 Year-2018 Thana- ROSERA District- Samastipur

Ramu Mahto, Son of Late Anand Mahto , Resident of Village - Mirzapur,
Ward No. - 6, P.S. - Rosera, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Avinash Kumar, Advocate

For the Opposite Party/s : Sri Sanjay Kumar Tiwary 1, APP

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 23-04-2018 Heard Sri Avinash Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in connection with Rosera P.S. Case No. 19 of 2018 , registered for the offence under Section 37(a)(d), 41(1) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

At the very outset, learned counsel for the petitioner has drawn my attention to the F.I.R. to show that petitioner has falsely been implicated in the present case. He submits that petitioner is running a tea stall in the name and style of R.B. Sweets. On a Bench which was lying outside the shop of the petitioner two persons were sitting and having drink. At the same time Police arrived and apprehended both persons from



whose possession about 375 ml of Indian make foreign liquor was recovered, however, nothing was found in the shop of the petitioner and petitioner only being owner of the tea stall has been made accused . He further submits that petitioner is having clean antecedent which fact has been stated in paragraph no. 3 of the petition.

Considering the facts and circumstances particularly the fact that nothing was recovered from conscious possession of the petitioner and clean antecedent of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Ramu Mahto be enlarged on bail 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 Judge VI-cum-Special Judge, Excise, Samastipur / concerned court in connection with Rosera P.S. Case No. 19 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

praful/-

U		T	
---	--	---	--

