

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65689 of 2018

Arising Out of PS. Case No.-306 Year-2018 Thana- DUMRA District- Sitamarhi

Amit Kumar Son of Dharamnath Mahto@ Dharamnath Rai R/o Village-
Parori, P.S.- Punaura, Sitamarhi, District- Sitamarhi ... Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate

For the Opposite Party : Mr. Arun Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioner as well as
learned counsel for the State.

The petitioner apprehends his arrest in a case registered for offence under sections 272, 273 IPC and 30(A), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

It is submitted on behalf of the petitioner that the petitioner has falsely been implicated in this case merely on the basis of disclosure made by a co-accused. He submits that there is no evidence to connect the petitioner with the recovery of 907.200 liters of foreign wine and the recovery in question is also not in accordance with the procedure prescribed under section 100 of the Cr.P.C. nothing incriminating has been recovered from the possession of the petitioner and the petitioner has no criminal antecedent. Other similarly situated co-accused Ram Babu Rai has already been allowed



anticipatory bail by a bench of this Court vide order dated 29.10.2018, passed in Cr.Mis.No. 65401 of 2018.

In the facts of the case, prayer for anticipatory bail to the petitioner is allowed. In the event of arrest/surrender within a period of four weeks from today, let the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II cum Special Judge Excise Act, Sitamarhi in Dumra Police Station Case No. 306 of 2018 on the following conditions:-

One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he/she is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner and

The Petitioner will be well represented on each date and if he/she fails to do so on two consecutive dates, his/her bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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