

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30615 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

Pawan Mahto @ Pawan S/o Satan Mahto, R/o Vill. + P.S.- Baikunthpur,
District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Adv.

For the Opposite Party/s : Mrs. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 26-06-2018 Heard Sri Harendra Prasad, learned counsel for the petitioner and Smt. Anita Kumari, learned Addl. Public Prosecutor.

The sole petitioner having clean antecedent, which fact has been stated in paragraph-3 of the petition, apprehending his arrest in Baikunthpur P.S. Case No.49 of 2018 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail, in the event of arrest or surrender.

Learned counsel for the petitioner, by way of referring to the F.I.R. submits that in the case, nothing was recovered either from conscious possession or from his premises or his field, rather in the case, recovery of about 35 liters of raw spirit was shown from a field of Sohan Sah and only on secret



information, the petitioner has been made accused as if he was involved in preparing and selling of spirit.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that on secret information, the petitioner's name has come.

However, after going through the material on record as well as considering the clean antecedent of the petitioner and the fact that nothing was recovered from the premises or from the field of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner, namely, Pawan Mahto @ Pawan be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-IIInd-cum- Special Judge, Excise Act, Gopalganj in connection with Baikunthpur P.S. Case No.49 of 2018, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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