

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33971 of 2018

Arising Out of PS. Case No.-107 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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Lal Jee Mahto, Son of Late Sukai Mahto, Resident of Village- Itwa, P.S.-
Matiyariya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Sri Ashok Kumar Gupta
For the Opposite Party/s	:	Sri Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 27-06-2018 Heard Sri Anil Kumar Verma, learned counsel,

assisted by Sri Ashok Kumar Gupta , learned counsel for the

petitioner and Sri Umanath Mishra, learned Additional Public

Prosecutor.

The sole petitioner, having clean antecedent, which
fact has been stated in paragraph no. 3 of the petition,
apprehending his arrest in connection with Shikarpur Excise
Case No. 107 of 2018 in Trial No. 579 of 2018 , registered for
the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016, has prayed for grant of bail in the event of
his arrest or surrender.

By way of referring to the prosecution report learned
counsel for the petitioner submits that nothing was recovered
from either conscious possession of the petitioner or from



premises of the petitioner, rather in the case from an open area a cane containing 5 liters of country made liquor was shown to be recovered and petitioner has falsely been made accused .

Learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail, however, considering the fact that petitioner is having clean antecedent and from his inside house nothing was recovered, rather in the case from an open area recovery was shown, there is no reason to refuse the prayer for grant of anticipatory bail to the petitioner.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Lal Jee 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 Special Judge Excise Bettiah, West Champaran / concerned court in connection with Shikarpur Excise Case No. 107 of 2018 in Trial No. 579 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

praful/-

(Rakesh Kumar, J)

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