

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6424 of 2019

Arising Out of PS. Case No.-122 Year-2018 Thana- DEO District- Aurangabad

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Gopal Mahto @ Gopal Mehta, Son of Late Ramdas Mahto Resident of
village-Manjkhad, P.S.-Deo, District-Aurangabad(Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-02-2019 Heard both sides.

The petitioner apprehends his arrest in Deo P.S. Case
No.122 of 2018 registered under Section 30(a) of Bihar
Prohibition and Excise Act.

The informant, S.I. of Deo police station alleged in
the F.I.R. that the petitioner and his brother were running the
shop and from the shop of the petitioner and his brother and
joint house of the petitioner, country made liquor was recovered.

Learned counsel for the petitioner submits that the
petitioner is handicapped and he is unable to move. The
petitioner cannot be supposed to sell country made liquor on
account of his disability. Some recovery was also made from
joint house of the petitioner for which the petitioner cannot be
held to be responsible. It is further submitted that brother of the



petitioner, whose case stands on same footing, has already been granted anticipatory bail but from perusal of the F.I.R. itself I find that the petitioner and his brother were indulged in illicit liquor trade and on secret information received to the informant, raid was conducted in the shop and the house of the petitioner.

Since huge quantity of liquor was recovered from the shop and joint house of the petitioner, I am not persuaded to grant anticipatory bail to the petitioner on the ground that his brother has been granted anticipatory bail. Accordingly, the anticipatory bail petition of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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