

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8674 of 2019

Arising Out of PS. Case No.-184 Year-2018 Thana- MUSRIGHRARI District- Samastipur

Rajiv Kumar Mahto @ Pappu Mahto, aged about 35 years, Gender- Male,
Son of Sahdev mahto, Resident of Village – Gangapur, P.S.- Musrigharari,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Meena Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-02-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 272 and 273 of the
Indian Penal Code and Sections 30(a), 41(i), (ii) and 47 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the police received a secret
information to the effect that the petitioner along with co-
accused, Jai Prakash Mahto@ Raghu Mahto is getting the illicit
liquor unloaded in the Litchi orchard of one Shankar Singh,



whereupon police laid a raid on the said orchard, on seeing the police personnel, the accused persons including the petitioner escaped from the scene, but 1058.04 litres of illicit foreign liquor were recovered from the place of occurrence.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical possession of the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner escaped from scene from where the police made the recovery of the said liquor.

Considering the fact that the said recovery was made from the Litchi orchard of one Shankar Singh and the petitioner was not spotted on the place of recovery, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional Sessions Judge-III-cum-**



Special Judge, Excise, Samastipur in connection with
Musrigharari P.S. Case No. 184 of 2018, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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