

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10653 of 2019

Arising Out of PS. Case No.-394 Year-2018 Thana- DALSINGHSARAI District- Samastipur

Anil Kumar Mahto(M), aged about 35 years, Son of Munni Lal Mahto
Resident of - Ward No. 10, Pand Dalsingasarai, P.S- Dalsaingasarai, Dist.
Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2019 Heard learned Counsels 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 Section 30(a) and 41(i) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a Scorpio vehicle, 36.720 litres of Indian made foreign liquor were recovered and co-accused Suraj Kumar was apprehended from the place of seizure. The apprehended co-accused Suraj Kumar disclosed that the seized illicit liquor belongs to the petitioner, Anil Kumar Mahto, who escaped from the scene, on arrival of the police on the spot.

It is submitted by learned counsel for the petitioner that the



recovery has not been made from the conscious physical possession of the petitioner. It is further submitted that the vehicle in question does not belong to the petitioner though statement to that effect has not been made in the petition. 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 name of the petitioner sprang up on the confessional statement of co-accused Suraj Kumar, who stated that the petitioner was the one, who was getting the illicit liquor transported through the Scorpio vehicle.

Considering the fact that the prosecution case does not suggest recovery from the conscious physical possession of the petitioner and the petitioner claims that the vehicle in question is not registered in his name, coupled with statement made in paragraph no.3 of the petition that the petitioner is 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 Session Judge-III-cum-**



Special Judge Excise, Samastipur in connection with
Dalsingsarai P.S. Case No. 394 of 2018, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by
the learned Court below provisionally for one month, till the
learned Court below verifies the fact that the vehicle in question
is not registered in the name of the petitioner. However, if the
learned Court below comes to the conclusion that the vehicle in
question is registered in the name of the petitioner then the
provisional bail of the petitioner will not be confirmed by the
learned Court below and in that eventuality, the petitioner will
surrender before the learned Court below and pray for regular
bail.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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