

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10943 of 2019

Arising Out of PS. Case No.-390 Year-2018 Thana- MADHUBANI TOWN District-
Madhubani

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RAMAN MAHTO, Son of Parikshan Mahto, Resident of Village - Dargah
Chauk, P.S.-Town, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mrs.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection
with Town P.S. Case No. 390 of 2018 registered for the offences
punishable under Sections 272 and 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that
although there is a recovery of illicit liquor from the house in
which the petitioner is also residing, but the fact is that the
house belongs to joint family and as such he cannot be
implicated in case any illicit liquor has been found from the said
house. Learned counsel further submits that co-accused Pramila
Devi has been granted privilege of anticipatory bail by a learned



co-ordinate Bench of this Court.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail and submits that at least 29 bottles have been recovered from the house of the petitioner and, therefore, he cannot get the privilege of anticipatory bail.

Upon considering the rival submissions, this Court finds that there is allegation of recovery of 29 bottles of illicit liquor from the house of the petitioner. The anticipatory bail granted to a lady member of the family who was made accused in this case cannot be treated to be a case of grant of privilege of anticipatory bail to a similarly situated person. In my opinion, the case of the petitioner is distinguishable.

In the aforesaid view of the matter, the prayer for anticipatory bail is refused. In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, the same shall be considered and disposed off without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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