

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16752 of 2019

Arising Out of PS. Case No.-150 Year-2018 Thana- HALSI District- Lakhisarai *

Rajo Mahto, Son of Late Paro Mahto, Resident of Village- Saithna, Police Station- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(1) and 32(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the self statement of Rajeev Kumar, Station House Officer of Halsi Police Station dated 12.09.2018, is to the effect that on the same day the informant received secret information that the liquor is being sold in village Saithna, whereupon the informant along with police personnel went there when one person namely, Rajo Mahto, the petitioner disclosed that he knows as where the liquors are being kept, whereupon, a raid was laid and four bottles of Indian made foreign liquor were recovered from the



earth which was concealed adjacent to the poultry firm, leading to registration of the case against unknown. During investigation it transpired that the liquor was kept by the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has inimical term with one Manoj Rajak from before and in that background, Manoj Rajak implicated the petitioner in the present case. It is further submitted that the recovery has not been made from the conscious physical possession of the petitioner rather the same has been recovered from the earth adjacent to the poultry firm of Manoj Rajak.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and the recovery has been made on the indication of the petitioner from the earth adjacent to the poultry firm of Manoj Rajak, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge – IInd cum Special Judge (Excise), Lakhisarai in connection with Excise Case No. 225 of 2018, arising out of Halsi P.S. Case No. 150 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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