

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16730 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- RAJNAGAR District- Madhubani

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DILIP MAHTO, Son of Sure Mahto @ Suresh Mahto, Resident of Village -
Rampatti Bazar, P.S.- Rajnagar, Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Parmanand Prasad

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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 arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self-statement of Tulsi Kumar Prasad, A.S.I. of Rajnagar P.S. submitted before the S.H.O., Rajnagar P.S. is to the effect that on 12.01.2019 at about 08.15 P.M., during patrolling the informant got a secret



information that co-accused Sure Mahto along with his two sons namely Manoj Mahto and Dilip Mahto (the petitioner) has brought huge quantity of illicit Nepali liquor and kept the same in the lavatory of newly constructed Primary School, Sriganj Rampatti. Consequently, a raid was laid and from the lavatory of the said school, 615 litres of illicit Nepali liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in one other case, in which he is on bail.

It is submitted by learned APP for the State that the petitioner and other co-accused persons stored the illicit Nepali liquor in the lavatory of the newly constructed Primary School, Sriganj Rampatti.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and the petitioner was not present at the place of seizure, 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 **Addl. District and Session Judge-2nd-cum-Special Judge, Excise Act, Madhubani** in connection with **Rajnagar P.S. Case No.18 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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