

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20028 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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Raj Kumar Mahto Son of Lakshaman Mahato, Resident of Village-Puraina
Sarotar Hussaini, P.S-Dumariyaghat, District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 272 and 273/34 of
the IPC and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case is that on a secret information, when
the informant, being a police officer, reached near the door of
one Suresh Mahto, he found four persons standing with a
Passion Pro motorcycle and on seeing the police personnel, they
started fleeing away when one accused person was
apprehended, who disclosed his name as Pramod Rai and from a
bag kept on the alleged motorcycle, 30 litres of country made



illicit liquor and from beside the house of Suresh Mahto, 44.7 litres of country made illicit liquor were recovered. The apprehended co-accused person disclosed the name of the petitioner as the person who escaped from the scene.

It is submitted by learned counsel for the petitioner that admittedly, recovery has not been made 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.

Learned APP submits that the name of the petitioner sprang up on the statement of apprehended co-accused person.

Considering the fact that the prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioner, coupled with the 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/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 like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection



with Dumariyaghat P.S. Case No. 18 of 2019, subject to the
condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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