

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75354 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

=====

Tulsi Mahto, Son of Late Manik Chandra Mahto, Resident of Village-
Fafuadih Kalyanpur, P.S. Barbarra, District Dhanbad Jharkhand.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Sri Humayou Ahmad Khan

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 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 Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of
Krishna Chandra Bharti, S.H.O. of Bhalpatti O.P. recorded on
18.04.2018 at 2.00 P.M. is to the effect that on 17.04.2018 at
9.00 P.M. the Senior Officers informed through telephone that
veteran illicit liquor businessman Pradeep Gupta along with his
associates Dhiraj Paswan, Santosh Mahto, Shyam Mahto and
Rajesh Kumar are transporting a huge quantity of illicit liquor
through a pickup van. Whereupon, the pickup van intercepted
near Gandhi Nagar, Kathariya Durga Temple when the driver of



the said vehicle escaped from the scene and from apprehended the vehicle in question, 643 litres illicit foreign liquor and mobile phone were recovered. The mobile phone belonged to co-accused Pradeep Gupta, who was subsequently intercepted from the nearby place. From the vehicle in question, the documents of ownership of the said vehicle was also recovered which suggested that the petitioner is the owner of the vehicle in question and hence, he was also named in the case.

It is submitted by learned counsel for the petitioner that an FIR was lodged on 18.04.2018 with regard to the vehicle of the petitioner being stolen away from Dhanbad on 14.04.2018 and for the same, written report was submitted to Station House Officer of Dhanbad on 15.04.2018 by the brother-in-law of the petitioner, hence, the petitioner cannot be held responsible for the transportation of the alleged liquor. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the vehicle of the petitioner.

Considering the fact that the accusation does not suggest that the petitioner had the knowledge about transportation of the said liquor through his vehicle and there is specific accusation of transportation of liquor at the behest of co-accused



Pradeep Gupta, coupled with the statement made in paragraph 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 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-IV -cum- Special Judge (Excise), Darbhanga in connection with G.O. Case No. 366 of 2018, arising out of Darbhanga Sadar P.S. Case No. 132 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

