

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45949 of 2019

Arising Out of PS. Case No.-243 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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DHRUV MAHTO @ DHRUP MAHTO Son of Late Mohan Mahto Resident
of Mohalla- Uttarwari Pokhara, P.S.- Bettiah Town, District- West
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-07-2019 The petitioner apprehends his arrest in connection with
Bettiah Town (Kalibagh O.P.) P.S.Case No. 243 of 2019
registered under Section 30(a) of the Bihar Prohibition and
Excise Act.

Allegation against the petitioner, as per FIR, is that the
police party raided the house of the petitioner and recovered 27
litres illicit liquor from a room situated at the south of his house.

Learned counsel for the petitioner submits that petitioner
is innocent and has falsely been implicated in this case at the
behest of Ramji Sah with whom petitioner had previous enmity
and his two sons are witnesses in the seizurelist. Learned
counsel further submits that petitioner is a handicapped and
unable to move, therefore, allegation against the petitioner of



fleeing away is wholly improbable.

After having heard learned counsel for the parties and taking into consideration the fact that recovery of illicit liquor has been made from the house of the petitioner as such in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of privilege of anticipatory bail to the petitioner as such the same is rejected.

However, in case, petitioner surrenders before the court below within a period of 15 days and files application for regular bail, the same shall be considered on the same day taking into consideration the fact that petitioner is handicapped from his leg and without being prejudiced to the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

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