

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42750 of 2019

Arising Out of PS. Case No.-285 Year-2018 Thana- BASANTPUR District- Siwan

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LALAN MAHTO, Son of Late Ram Pujan Mahto, Resident of Village -
Kishunpura Dakshin Tola, P.S.- Basantpur (Lakari Nabiganj O.P.), District -
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-07-2019 The petitioner apprehends his arrest in connection with

Basantpur (Lakri Nabiganj OP) P.S.Case No. 285 of 2018

registered under Sections 1272, 273 and 308/34 of the Indian

Penal Code and 30(a)/41(i) of the Bihar Prohibition and Excise

Act.

Allegation against the petitioner is that police, upon secret
information that petitioner, along with others, has kept concealing
foreign liquor in the house of Lalu Mahto and are selling it, raided
the house of Lalu Mahto from where total 53.600 litres illegal
foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated and no case under the Excise Act is
made out against him inasmuch as illegal liquor has admittedly
been recovered from the house of Lalu Mahto, son of late Tingan
Mahto, and there is no recovery of illegal liquor from the



conscious possession of the petitioner and his name has surfaced only on the basis of suspicion. He further submits that petitioner has got no criminal antecedent.

After having heard learned counsel for the parties and taking into consideration the fact that from the FIR, it is apparent that no recovery of illegal liquor was made from the conscious possession of the petitioner and from perusal of seizure list and the FIR, it is evident that liquor has been recovered from the house of Lalu Mahto, son of late Tingan Mahto, as such no *prima facie* case is made out against the petitioner, accordingly, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Siwan in connection with Basantpur (Lakri Nabiganj OP) P.S.Case No. 285 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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