

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41598 of 2019**

Arising Out of PS. Case No.-70 Year-2019 Thana- GAIGHAT District- Muzaffarpur

MITHLESH MAHTO Son of Late Sukhro Mahto Resident of Village -
Hanuman Nagar, P.S.- Gaighat (Benibad O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Tapeshwar Sharma

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

2 05-07-2019 This application, for grant of anticipatory bail,

arises out of Gaighat P.S. Case No. 70/2019, disclosing offences

under Sections 30(a) of the Bihar Prohibition of Excise Act,

2016.

Allegation is of recovery of five litres of country
made liquor and other materials for preparation of liquor from
the house of the petitioner.

Submission of learned counsel for the petitioner is
that he has no criminal antecedent and has falsely been
implicated in this case and the house, from which, recovery has
been made is a joint house.

Learned counsel for the State opposed the prayer for
bail and submitted that prima facie case is made out against the
petitioner.



Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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