

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54979 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- KHANPURA District- Samastipur

Pradeep Kumar Mahto, Son of Raghuveer Mahto @ Raghuvir Mahto
Resident of Village- Jagdispur, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Choudhary
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Khanpur P.S. Case No.88 of 2019 for the offence punishable
under Sections 47, 30(a) and 41(I) (II) of Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner is that the police,
upon secret information that petitioner has concealed illicit
liquor for sale, proceeded towards the place of occurrence and
recovered total quantity of 111.375 litres of English wine from
the cow shelter of the petitioner.

Learned counsel for the petitioner submits that the
petitioner has got no criminal antecedent and has falsely been
implicated in this case inasmuch the liquor which has allegedly



been recovered has not been recovered from inside the house of the petitioner but the same has been recovered from an open shed situated outside the house of the petitioner. Learned counsel further submits that from perusal of the First Information Report and the seizure list, it is evident that no prima facie case under the Excise Act is made out against the petitioner inasmuch as the illicit liquor has not been recovered from the conscious possession of the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the illicit liquor has been recovered from an open cattle shed which is situated outside of the house of the petitioner and not inside the house of the petitioner and the petitioner has got no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise, Samastipur,



subject to the condition as mentioned under Section 438 (2) of
Cr.P.C.

(Anil Kumar Sinha, J)

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