

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58065 of 2019

Arising Out of PS. Case No.-159 Year-2019 Thana- DARAUNDA District- Siwan

Raju Mahto Son of Laxman Mahato Resident of Village - Sirshav, P.S.-
Daraunda, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Daraunda P.S. Case No. 159 of 2019, registered under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act.

The allegation against the petitioner is that the police on secret information that petitioner and others are indulged in trade of illicit liquor reached at the place of occurrence, upon seeing the police party, three persons fled away from the place of occurrence, where village Chaukdar identified the petitioner and others. The police, on search, recovered a total quantity of 345.600 liters of illicit liquor from the pond.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case merely on the basis of identification of



the petitioner by the village Chaukidar, he further submits that no recovery of the illicit liquor has been made from the conscious possession of the petitioner and premises belonging to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has been recovered from the pond, which is a public place and no illicit liquor has been recovered from the conscious possession of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, 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 Additional District Judge-II-cum-Special Judge, Excise Act, Siwan in connection with Daraunda P.S. Case No. 159 of 2019; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

S.Katyayan/-

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

