

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 74432 of 2019

Arising Out of PS. Case No.-215 Year-2019 Thana- RIGA District- Sitamarhi

BICCHU MAHTO @ BACHCHU MAHTO @ CHULBA Son of Sattan
Mahto Resident of Village-Bhorha, P.S.-Riga, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in a case registered under
Sections 272, 273 of Indian Penal Code and Section 30 (a) of
Bihar Prohibition and Excise Act.

It is submitted by petitioner's counsel that recovery
has neither been from his person nor from his house. The
alleged recovery of 30 liters of Nepali wine is from abandoned
place behind his hutment. The allegations, therefore, under the
Bihar Prohibition and Excise Act are not made out. Petitioner
has no criminal antecedent prior to the instant case.

Learned APP for the State has opposed the prayer. It
is submitted that the offences are under the Bihar Prohibition
and Excise Act.

For the limited purpose of anticipatory bail, this Court



is inclined to accept the submission of the learned counsel for the petitioner.

Let the petitioner above named, in the event of his arrest or surrender within four weeks from today, shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Sitamarhi in Riga Police Station Case No 215 of 2019 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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