

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1381 of 2020

Arising Out of PS. Case No.-243 Year-2019 Thana- ISUAPUR District- Saran

Guddu Mahto Son of Raja Ram Mahto Resident of Village - Shampur, P.S.-
Isuapur, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 27-02-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Isuapur P.S. Case No. 243 of 2019 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

The alleged recovery of liquor was made from a field
of Rajesh Kumar Singh and the police on the basis of
disclosures made by the local people came to know that above
stated Rajesh Kumar Singh as well as petitioner were involved



in selling the illicit liquor.

Submission on behalf of the petitioner is that nothing was recovered either from possession of the petitioner or from his house and except the disclosure made by some unknown persons, there is nothing against the petitioner on the basis of which it can be said that the offence under Bihar Prohibition and Excise Act, 2016 is made out.

No doubt, Section 76(2) of Bihar Prohibition and Excise Act bars to entertain petition filed under Section 438 of the Cr.P.C. but in the present case, prima facie it appears that no case of Excise Act is made out against the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Saran in Isuapur P.S. Case No. 243 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

However, the observation given in this order is only



for the purpose of consideration of bail and the observation
given in this order shall not affect the trial and merit of case of
the petitioner.

(Hemant Kumar Srivastava, J)

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