

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4775 of 2020

Arising Out of PS. Case No.-788 Year-2019 Thana- KHAGARIA District- Khagaria

SUBODH MAHTO Son of Dharmo Mahto @ Dharm Narayan Mahto
Resident of Village - Uttari Bhadas, P.S.- Mufassil, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the self statement of A.S.I., Ranjeet Kumar recorded on 22.10.2019 at 9.30 P.M. is to the effect that after having received a secret informant that the petitioner and co-accused Ajnash Mahto are indulged in illegal trade of liquor, a raid was laid, leading to recovery of cash amount of Rupees Four Lakhs One Thousand and Five Hundred and liquor from the house co-accused, Anjash Mahto whereas from the house of the petitioner, 31 litres of Indian Made Foreign liquor were recovered.



It is submitted by learned counsel for the petitioner that the said recovery has not been made from the conscious physical possession of the petitioner, rather the said recovery has been made from the joint family house of the petitioner and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that since the recovery has been made from the possession of the petitioner, hence, the present anticipatory bail application is not maintainable.

Considering the nature of recovery, this Court is not inclined to enlarge the petitioner on anticipatory bail. However, keeping in view the claim of the petitioner that the said recovery has been made from the joint family house of the petitioner and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, it is a case for consideration of prayer for regular bail by the learned Court below.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks Khagaria (Mufassil) P.S. Case



No. 788 of 2019 (G. R. No. 3129 of 2019, pending before the
learned Special Judge, Excise, Khagaria.

With the above observation, this application is,
accordingly, disposed of.

(Dinesh Kumar Singh, J)

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