

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9744 of 2020

Arising Out of PS. Case No.-256 Year-2019 Thana- ISUAPUR District- Saran

Arvind Mahto, S/o Paras Mahto Resident of Village- Doila, P.S.- Ishuapur,
Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of 2018.

It is alleged that on secret information that co-accused Hareram Mahto along with his accomplice is dealing with trade of spirit and illicit liquor, raid was laid and from the pond situated near the house of co-accused Hareram Mahto, 14.70 litres of spirit were recovered and co-accused Hareram Mahto was apprehended, who disclosed the name of the petitioner as



the person, who was his accomplice and on arrival of police, escaped from the scene.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the spot and no recovery has been made from the conscious physical possession of the petitioner. The name of the petitioner sprang up on the confession of apprehended co-accused person. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that the petitioner was not apprehended from the spot and prima facie, recovery does not appears to have been made from the conscious physical possession of the petitioner, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Saran in connection with Isuapur P.S. Case No.



256 of 2019, subject to the condition as laid down under Section
438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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