

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8895 of 2020

Arising Out of PS. Case No.-145 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

SONU MAHTO Son of Kamlesh Mahto Resident of Village-Hariharpur, P.S.-
Jadopur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Vishambharpur P.S. Case No. 145 of 2019 for the offence
registered under Section 414 of the Indian Penal Code and
Sections 30(a) and 41(1) of the Bihar Prohibition & Excise Act,
2016.

The allegation is regarding recovery of 1632.900 liters
of illicit liquor from an EECO car.

It is alleged that the petitioner was driving the car and
he succeeded in fleeing away.

The learned counsel for the petitioner has submitted that
since no recovery has been made from the conscious possession of
the petitioner or from his house, the provisions of the Bihar
Prohibition and Excise Act, 2016 qua the petitioner herein are not



attracted. It is further submitted that it has been categorically stated in paragraph no. 9 of the present petition that the petitioner is a labour and is not a driver. Lastly, it is submitted that the said EECO car does not belong to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II-cum-Special Judge, Excise, Gopalganj in connection with Vishambharpur P.S. Case No. 145 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

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

