

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10215 of 2020**

Arising Out of PS. Case No.-217 Year-2019 Thana- AWTARNAGAR District- Saran

CHAHI MAHTO S/o Late Chhatu Mahto R/o Village- Madanpur, P.S.-
Awtarnagar, Distt- Saran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar,Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Awtarnagar P.S. Case No. 217 of 2019 registered for the offences punishable under Sections 188/272/273/308 read with Section 30, 30(a),38 of the Bihar Prohibition & Excise Act 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery of illicit liquor from the conscious possession of the petitioner and he has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.



Considering the facts and circumstances of the case wherein, the illicit liquor has been recovered from a place near the railway line and in the FIR though the informant who is S.I. of police says that the persons present at the place of occurrence informed him about the name of the persons who fled away but there is no disclosure of the identity of such persons who are said to have identified this petitioner as also that the petitioner has no criminal antecedent, there being no other material to connect him with the present case, particularly that no independent witness identifying the petitioner, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Awtarnagar P.S. Case No. 217 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum Special Judge, Excise, Saran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or



indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

