

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10495 of 2020

Arising Out of PS. Case No.-304 Year-2019 Thana- PUNPUN District- Patna

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Guddu Mahto @ Shyamakant Singh Son of Late Ram Prawesh Mahto @
Ram Prawesh Prasad Resident of Village - Dherhara Kewra, P.S.- Punpun,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-10-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Special Case no. 10500 of 2019 (arising out of Punpun P.S. Case no. 304 of 2019) registered under sections 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on a raid being conducted, while one accused managed to escape, one of the accused namely Subhash Singh was arrested. It is stated that 100 litres of country liquor was recovered from the orchard and the chowkidar and the local people disclosed the name of the person who had managed to escape as being the petitioner.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. Neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his



possession. He has nothing to do either with the seized article or with the orchard from where the article is stated to have been seized. The only material against him is the statement of co-accused and others made before police. He has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case specially the fact that the petitioner has no criminal antecedent, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Special Case no. 10500 of 2019 (arising out of Punpun P.S. Case no. 304 of 2019), he will be enlarged on bail on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

It is further directed that order dated 24.8.2020 should be read as order no. 3.

(Partha Sarthy, J)

Prakash/-

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