

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11643 of 2020

Arising Out of PS. Case No.-325 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

Pawan Mahto, aged about 23 years, Male, S/o Sawan Mahto, R/o Village -
Pipra, P.S. - Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-06-2020 Heard Mr. Satyendra Rai, learned counsel for the

petitioner and Mr. Pawan Kumar Chaurasia, learned

Additional Public Prosecutor appearing for the State

through video conferencing.

Petitioner apprehends his arrest in connection with

Baikunthpur P.S. Case No. 325 of 2019 registered for the

offence under Sections 272 / 273 / 34 of the Indian Penal

Code, 1860 and Section 30(a) of the Bihar Prohibition and

Excise Act, 2016.

The allegation against the petitioner as per the

First Information Report is that Police recovered a total

quantity of 48.75 liters of foreign illicit liquor from a room



made of corrugated sheets situated inside the boundary of one Rabindra Singh and the arrested accused person -Rabindra Singh disclosed that the illicit liquor was supplied to him by the petitioner and one Md. Shaukat Ali.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of confessional statement made by the arrested co-accused person. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner. Accordingly, learned counsel for the petitioner submits that upon perusal of the First Information Report and the seizure list, no *prima facie* offence under the Excise Act is made out against the petitioner.

On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that petitioner is a supplier of illicit liquor to the arrested accused person- Rabindra Singh.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or



premises belonging to the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner- Pawan Mahto shall be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge -2nd cum Special Judge, Excise, Gopalganj in connection with Baikunthpur P.S. Case No. 325 of 2019 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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