

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12766 of 2020

Arising Out of PS. Case No.-237 Year-2019 Thana- SIDHWALIYA District- Gopalganj

Mantu Mahto @ Chanchu Kumar, Son of Chhathu Mahto, Resident of Village
- Bucheya, P.S.- Sidhwalia, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Mrityunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 11-06-2020 Heard learned counsel for the petitioner and
learned counsel for the State via video conferencing.

The petitioner has filed the present application for grant of pre-arrest bail in connection with Sidhwalia P.S. Case No.237 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act of 2016).

It is submitted by the learned counsel for the petitioner that from the prosecution case, it would be evident that none of the ingredients of the offence alleged are attracted against the petitioner. He has been named simply because he happens to be son of one Gaytri Devi, who has also been made accused in the present case. He contended that the recovery of 1.8 liter liquor from the bush behind the shop of Gaytri Devi would not in any way attract any offence as against the



petitioner. He contended that in absence of any ingredients of the offence alleged under the Act of 2016, the bar to grant of pre-arrest bail as prescribed under sub-clause (2) of Section 76 of the Act of 2016 would not apply in case of the petitioner in view of the full bench judgment of this Court in **Ram Vinay Yadav vs. The State of Bihar** reported in **(2019) 2 PLJR 1089**.

Mr. Mrityunjay Kumar Gautam, learned counsel for the State admits that there is lack of material to connect the petitioner with the offence alleged.

Regard being had to the submissions advanced on behalf of the parties and the materials on record, the petitioner is directed to be released on bail in the event of arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, Gopalganj in connection with Sidhwalia P.S. Case No.237 of 2019 subject to the conditions laid down under Section 438 of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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

