

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16143 of 2020

Arising Out of PS. Case No.-554 Year-2019 Thana- RUPASPUR District- Patna

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Anshu Kumar Mahto @ Anshu Mahto Son of Sudan Mahto Resident of
Village - Chulahichak, P.S.- Rupaspur, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-05-2020 Heard Mr. Ashok Kumar Jha, learned counsel for the

petitioner and Mr. Mritunjay Kumar Gautam, learned counsel

for the State via video conferencing.

The petitioner has filed the present application
under Sections 439 and 440 of the Code of Criminal Procedure
for grant of bail in connection with Rupaspur P.S. Case No. 554
of 2019 registered under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per the prosecution case, the petitioner and one
another was arrested by the police from Maruti Alto Car bearing
registration no. BR1Y-2350, and on search, 160 bottles each
containing 180 ml., 24 bottles each containing 375 ml. and 37
bottles each containing 180 ml. of foreign liquor were
recovered.



It is contended by the learned counsel for the petitioner that the petitioner is neither owner of the vehicle nor the person to whom the seized articles belong. It is further contended that the petitioner was merely a passenger and he became a victim of circumstances for the alleged recovery of 44 liters of foreign liquor. The petitioner is in custody since 31.12.2019. He has no criminal antecedent and since the investigation is completed, there is no chance of tampering with the evidence.

Learned counsel for the State has opposed the application for grant of bail.

Considering the submissions made above as also the period undergone by the petitioner in custody as an under trail prisoner, he is directed to be released on bail on furnishing bail bond of Rs.5000/- (five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Rupaspur P.S. Case No. 554 of 2019.

(Ashwani Kumar Singh, J)

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