

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28873 of 2020

Arising Out of PS. Case No.-129 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

RAJESH MAHTO Son of Chandeshwar Mahto Resident of Village-
Mahmada, P.S.- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2020 Heard Mr. Anshu Dhar Sharma, learned counsel for
the petitioner and Mr. Ashok Kumar Singh, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with
Excise Case No. 129/2020 registered for the offence punishable
under Section 30 (a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. The allegation, as per First Information Report, is
that the Excise Officials recovered total quantity of 86.460
Litres of illicit liquor from a hut which was taken on rent by the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to village
politics and he has got no criminal antecedents. Learned



counsel referring to paragraph-9 of the present petition, submits that the said hut, from where recovery of liquor has been made, does not belong to him.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the recovery of illicit liquor was made from the hut, which was taken on rent by the petitioner and in view of Full Bench decision in the case of *Ram Vinay Yadav v. State of Bihar* passed in *Cr. Appeal (SJ) No. 431 of 2019*, I am not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the present application for anticipatory bail filed on behalf of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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