

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29535 of 2020

Arising Out of PS. Case No.-126 Year-2019 Thana- GAUNAHA District- West Champaran

RAKESH MAHTO Son of Sri Shyam Narayan Mahto Resident of Village-
Marjadi marjad, P.S.- Gaunaha, District- West Champarn.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner and Mr. Umeshanand Pandit, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner apprehends arrest in connection with
Gaunaha P.S. Case No. 126 of 2019 registered for the offences
punishable under Sections 30(a) and 37(b) of the Bihar
Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is
that the Police intercepted a Motorcycle on which two persons
were travelling and upon seeing the Police party, the persons
riding on the Motorcycle tried to flee way, however, the driver
of the Motorcycle was apprehended, but the pillion rider
succeeded in fleeing away. On search, the Police recovered a



total quantity of 3 litres of country made liquor from the dickey of the said Motorcycle and arrested co-accused person has disclosed the name of petitioner as pillion rider who succeeded in fleeing away.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of statement made by arrested co-accused person. Learned counsel further submits that petitioner is not owner of the Motorcycle and the person who was driving the Motorcycle and was apprehended by the Police, namely Bhutan Manjhi, is owner of the Motorcycle in question. Learned counsel also submits that no illicit liquor has been recovered either from conscious possession of the petitioner or the vehicle belonging to him. The petitioner has got no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is not the owner of the Motorcycle and no illicit liquor has been recovered either from his possession or the vehicle belonging to him, 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, above



named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran at Bettiah, in connection with Gaunaha P.S. Case No. 126 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 bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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