

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28753 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- BAJPATTI District- Sitamarhi

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KISHUN MAHTO @ SRI KISHUN MAHTO Son of Late Biru Mahto
Resident of Village - Piprarhi, P.S.- Bajpatti, District - Sitamarhi

... .. 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 : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned APP, appearing for the State.

The petitioner apprehends his arrest in connection with Bajpatti P.S. Case No. 98 of 2020 for the offence punishable under Section 30 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of about 8 litres of illicit liquor from the house of the petitioner and the wife of the petitioner was apprehended from the spot.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the wife of the petitioner has already been suitably punished and moreover, she has also been enlarged on bail, hence, the petitioner is liable to be granted the privilege of anticipatory bail.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into consideration the fact that the wife of the petitioner has already been granted bail and moreover, the wife of the petitioner has also been suitably punished in the present case, inasmuch as she was taken into custody by the police, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the



learned ^{2nd} Additional Sessions Judge cum Special Judge
(Excise), Sitamarhi in connection with Bajpatti P.S. Case No. 98
of 2020, subject to the conditions laid down under Section
438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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