

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65847 of 2019

Arising Out of PS. Case No.-321 Year-2018 Thana- SAHEBGANJ District- Muzaffarpur

Mantu Mahto @ Prabhat Kumar, Son of Kishun Mahto, Resident of Village- Parsa Sadan, P.S.-Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-03-2020 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the self statement of Jitendra Kumar, submitted to the Station House Officer, Sahebganj Police Station, is to the effect that on 31.08.2018 at about 11:10 PM, a secret information was received that in the poultry farm of co-accused, Achhay Kumar @ Chandan, the petitioner has kept the illicit liquor. Subsequently, a raid was laid and from the poultry farm, 313.200 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner



that admittedly, the said liquor has been recovered from a poultry farm, which does not belong to the petitioner, rather the same belongs to the co-accused, Achhay Kumar, hence, the said recovery cannot be treated to be made from the conscious physical possession of the petitioner.

It is submitted by learned APP for the State that the seized liquor belongs to the petitioner.

Considering the fact that the recovery has been made from a poultry farm, which does not belong to the petitioner, coupled with the statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Saheganj P.S. Case No. 321 of 2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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