

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2750 of 2020

Arising Out of PS. Case No.-217 Year-2019 Thana- SONBERSA District- Sitamarhi

GAURI SHANKAR MAHTO @ GAURISHANKAR KUMAR Son of
Umesh Mahto Resident of Village - Jaynagar, P.S.- Sonbarsa, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Rai, Adv.
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 28-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 414 of the I.P.C. Section 30(a) of the Bihar Excise and Prohibition Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case got initiated on the basis of written report of Rakesh Ranjan, S.H.O., Sonbarsa, Police Station submitted before the CJM, Sitamarhi is to the effect that on 15.09.2019, the police in connection with a criminal case went to village Jainagar for investigation, but on seeing the police, certain people started running in suspicious condition, but on chase, two persons were apprehended who



disclosed their names as co-accused, Talewar Mallik and Amlesh Kumar. Co-accused, Talewar Mallik disclosed that he was abducted and assaulted by certain people indulged in the business of illicit liquor. Co-accused, Talewar Mallik further disclosed the name of the persons who are indulged in the business of illicit liquor. Subsequently, on basis of such disclosure, house of co-accused Ramdaresh Rai was raided and from the back of the house, total 270.300 litres of illicit Nepali saufi and a motorcycle was recovered.

It is submitted by learned counsel for the petitioner that admittedly, the said recovery has been made from the conscious physical possession of the petitioner and only on the basis of confessional statement of co-accused, he has been roped in the present case. It is further submitted that co-accused, Ram Daresh Rai, Ravindra Mahto @ Ravindra Kumar and Hirawan Rai have been granted anticipatoy bail by a Co-ordinate bench of this Court, vide order dated 25.11.2019, passed in Criminal Miscellaneous No. 76200 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of



the petitioner sprang up on the confession of co-accused.

Considering the fact that no recovery has been made from the physical possession of the petitioner, the co-accused, from whose possession recovery has been made has been granted anticipatory bail along with other co-accused by a Co-ordinate bench of this Court coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum-Special Judge (Excise), Sitamarhi, in connection with Sonbarsa P.S. Case No.217 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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