

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85787 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- KALYANPUR District- Samastipur

Ganesh Mahto @ Ganeshi Mahto Son of Paltu Mahto Resident of Village -
Bhagwanpur, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No. 216 of 2018 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 47, 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police upon secret information that the petitioner has stacked illicit liquor in his filed proceeded towards the place of occurrence and recovered total quantity of 165 liters of illicit liquor from the field of the petitioner.

Learned counsel appearing on behalf of petitioner submits that petitioner has falsely been implicated in this case inasmuch as the field from where the liquor has been recovered



does not belong to the petitioner. He further submits that the field in question is an open place and the same is accessible to all as such the submission is that no illicit liquor has been recovered from the conscious possession of the petitioner.

Having heard learned counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from the open filed and the same is accessible to all, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise, Samastipur in connection with Kalyanpur P.S. Case No. 216 of 2018, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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