

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16358 of 2021

Arising Out of PS. Case No.-325 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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PARSURAM MAHTO S/O NARAYAN MAHTO R/O VILLAGE-NONIA
TOLA WARD NO. 06, HOUSE NO.92, P.S-GOPALGANJ TOWN,
DISTRICT-GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Excise Case no. 325 of 2020 instituted for the offence
under Sections 30(a) and 41(1) of the Bihar Prohibition and
Excise Amendment Act.

The prosecution story relates to recovery of 75.600
litres of illicit liquor from a Maruti Suzuki Eeco bearing
registration no. UP57A-U4556 which was to be handed over to



the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. Neither the petitioner is owner nor the driver of the alleged vehicle. He has no concern with the alleged recovery. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by the co-accused, namely, Binod Yadav, who was arrested on spot, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Excise Case No. 325 of 2020, he will be enlarged on 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 Additional Sessions Judge 2nd cum-



Special Judge, Excise Act, Gopalganj subject to the conditions
as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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