

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28178 of 2021

Arising Out of PS. Case No.-420 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Maheshwar Mahto S/o Late Ram Swarth Mahto Resident of Village
Angarghat P.S. Angarghat, District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishor Chaudhary
For the Opposite Party/s : Mr. Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in Muffasil P.S.
Case No.420 of 2020, corresponding to Excise G.R.
No.793/2020, registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is further submitted that there is no recovery
from the conscious possession of the petitioner rather 250.185
litres of foreign liquor was recovered from a Bolero vehicle. It is
submitted that the petitioner has got no criminal antecedent as
stated in para 3 of the bail petition.



Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Petitioner is agreed to deposit a sum of Rs.30,000/- (rupees thirty thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFS Code PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

In the facts and circumstances of the case, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Samastipur in connection with Muffasil P.S. Case No.420 of 2020, corresponding to Excise G.R. No.793/2020, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.30,000/- (rupees thirty thousand) in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J.)

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