

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30196 of 2020

Arising Out of PS. Case No.-112 Year-2020 Thana- PURNEA SADAR District- Purnia

Rahul Kumar Mahto @ Rahul Kumar Ranjan @ Rahul Kumar Son of Dilip Kumar Mahto @ Dilip Mahto Resident of Village - Kalabalua, P.S. Raniganj, District - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Chaubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-03-2021 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Sadar P.S. Case No. 112 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per prosecution story on secret information the S.H.O. of Sadar Police Station with other police personnel reached at zero mile and started checking vehicles. It is submitted that during the course of checking one Scorpio vehicle was stopped at the checking point and in the presence of two independent witnesses police recovered total 180 liters of foreign wine from the Scorpion vehicle bearing no. BR50P2401. The driver of the vehicle disclosed that one Rahul Kumar Mahto is the owner of the Scorpio Vehicle.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is only the owner of the vehicle and has no concern with the illicit liquor. The petitioner has no criminal antecedent.

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

Having regard to the facts and circumstances of the case, wherein the alleged illicit liquor has been recovered from the private vehicle of the petitioner, this Court is not inclined to grant him privilege of anticipatory bail. The prayer for anticipatory bail of the petitioner is, thus, refused.

In case the petitioner surrenders and prays for regular bail within four weeks from today in the court below, his prayer for bail shall be considered on its own merit without being prejudiced by the present order of this Court.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

