

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31194 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- KHANPURA District- Samastipur

BHOLA MAHTO Son of Rajendra Mahto Resident of Village- Madhu Tola,
P.O.- Jahangirpur, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Narayan Mahto, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-02-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Khanpur P.S. Case No.75 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner and he has no connection with the alleged recovered illicit liquor.

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



Having regard to the facts and circumstances of the case wherein it appears that the petitioner is the owner of the Scorpio which was found loaded with huge quantity of illicit liquors and he has got one criminal antecedent of similar nature, this Court is not inclined to grant him privilege of anticipatory bail keeping in view the provision of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 read with judgment of the Hon'ble Full Bench of this Court in the case of **Ram Binay Yadav Vs. The State of Bihar reported in 2019(2) PLJR 1089**. Prayer is, thus, refused.

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

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

(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'.

