

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40563 of 2020**

Arising out of PS. Case No.-63 Year-2020 Thana- RIGA District- Sitamarhi

Rudal Mahto, aged about 77 years (Male), Son of Late Dahaur Mahto  
Resident of Ward No. 11, Village- Riga, Imali Bazar, P.S. Riga, District-  
Sitamarhi- 843327.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL ORDER**

2      25-10-2021                      Heard learned counsel for the petitioner and the  
learned APP for the State.

In the instant petition, petitioner has sought for  
anticipatory bail under Section 438(2) of the Code of Criminal  
Procedure in connection with Riga P.S. Case No. 63 of 2020  
pending before the Additional District & Sessions Judge-II-  
cum-Special Judge (Excise), Sitamarhi.

The prosecution case as per written report of the  
Officer In-charge of Riga Police Station is that on 05.03.2020 at  
about 10.20 P.M. he got secret information that huge quantity of  
illicit liquor was stored in the petitioner's house and adjacent  
places. Thereafter, the police arrived to the petitioner house and  
adjacent house and recovered 600 pieces of Nepali wine of 300



ml each and the petitioner is said to have fled away from his house in the darkness.

In view of these facts and circumstances, the petitioner has not made out a case to grant anticipatory bail. On perusal of the police papers on record, it is evident that total 18 litres of Nepali wine was recovered from the house of the petitioner and adjacent places. The prayer for anticipatory bail is rejected reserving liberty to the petitioner to surrender before the jurisdiction court and move for regular bail.

In the event of surrender and moving bail application/petition before the jurisdiction Court, the jurisdictional Court is hereby directed to consider bail application within a period of two weeks from the date of receipt of such regular bail petition/application.

Accordingly, the petition stands disposed off.

**(P. B. Bajanthri, J)**

Vikash/-

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