

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8024 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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SANTOSH MAHTO SON OF SUGGA MAHTO RESIDENT OF-
UTTARWARI POKHRA, PAKKI PHULWARI, P.S-KALIBAGH (O.P),
DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a), 32 of the Bihar Prohibition and Excise Act, 2016.

Altogether 57.810 litres of foreign liquor is said to have been recovered from the house of one Mukti Nath Tiwari.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at



the instance of his enemies. His name transpired in this case on the confessional statement of co-accused Mukti Nath Tiwari. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The place of recovery does not belong to the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application and similarly situated co-accused Manoj Yadav @ Manoj Kumar Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 29.04.2022 passed in Cr. Misc. No.67354 of 2021.

Petitioner is agreed to deposit a sum of Rs.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, since similarly situated co-accused has been granted bail, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail



bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Excise P.S. Case No.55 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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