

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10937 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- NARALI KALA KHURD District-
Aurangabad

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SANJAY MAHTO Son of Suresh Mahto Resident of Village - Riur, P.s.-
Nararikala Khurd , Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Nararikala Kurd P.S. Case no. 03 of 2022 instituted for the
offence under Sections 30(a) of the Bihar Prohibition of Excise
Act.

Prosecution case relates to recovery of 46.5 litres
from the toilet of Sunil Mahto and he was arrested on spot.
Petitioner is his brother.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. Petitioner has no



concern with the alleged recovery. The name of the petitioner has been disclosed in this case by the apprehended co-accused, Sunil Mahto, which has no evidentiary value in the eye of law. Petitioner lives separately. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Nararikala Kurd P.S. Case no. 03 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IX-cum-Special Judge Excise -II, Aurangabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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