

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14448 of 2022**

Arising Out of PS. Case No.-310 Year-2021 Thana- MAHARAJGANJ District- Siwan

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ARUN MAHTO @ ARUN KUMAR CHOUDHARY SON OF SURESH
MAHTO @ SURESH CHOUDHARY R/O - PURANI BAZAR
MAHARAJGANJ, P.S.- MAHARAJGANJ, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 272, 273
of the Indian Penal Code read with Section 30(a) of the Bihar
Prohibition and Excise Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

Allegation is of total recovery of 260 litres of liquor
out of which 20 litre is alleged to have been recovered from the
house of the petitioner.

Learned counsel for the petitioner submits that



petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further asserted and stated that no raid or search was made in the house of the petitioner and he stayed in the house with his wife, children, mother and father and had a raid is conducted then definitely the police would have obtained the signature of the family members as a witness on the seizure list but the seizure list does not contain the signature as a witness of any of the family members of the petitioner. Learned counsel next submits that the police very wisely in order to implicate the petitioner has recorded that no local people were ready to become a witness on the seizure but the FIR does not even remotely disclose the name of the persons who was there at the place of occurrence when the seizure was made.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or 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.5,000/- (Rupees 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 Maharajganj P.S. Case No. 310 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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