

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26305 of 2021

Arising Out of PS. Case No.-85 Year-2018 Thana- BALTHAR District- West Champaran

PANNALAL MAHTO S/o Jhakad Mahto R/o village- Barwat Parsain, Ward
No. 9, P.S.- Bettiah (T), District- West Champaran Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 23-03-2022 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 Balthar P.S. Case no. 85 of 2018 instituted for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 147 litres of illicit liquor from a scorpio bearing Registration No. BR 05S 0498.

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 is owner of the alleged vehicle and without taking prior permission, driver was carrying liquor in the said vehicle and he was arrested on spot. Petitioner has no concern with the alleged recovery. Learned counsel for the petitioner has stated in para 2



of the supplementary affidavit that co-accused Abhishek Kumar was the petitioner's driver and being the driver of the petitioner he had been in possession of his Scorpio. The name of the petitioner has been disclosed in this case by the apprehended co-accused, namely, Abhishek Kumar before the police, which has got no evidentiary value in the eye of law.

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 Balthar P.S. Case no. 85 of 2018, 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 ADJ-II. Bettiah, West Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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