

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21229 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- CHORAUT District- Sitamarhi

=====

RUPESH MAHTO @ RUPESH KUMAR Son of Raj Kishore Mahto
Resident of village Yadupatti, Police Station Chourat District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-08-2022 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 offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

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

Allegation is of recovery of 67.200 litre of liquor from the
hut 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. He further submits that the alleged
recovery is from a place which was built by the State Government for
staying of the labourers but in order to falsely implicate the



petitioner, it has been alleged that the recovery was from the hut of the petitioner when the house of the petitioner is at a distance of more than one kilometer away from the place of recovery. Learned counsel next submits that he has specifically pleaded at para 6 of the anticipatory bail application that the liquor was recovered from a hutment which was created by the Water Wage Department on a public land for staying of the Majdoor while putting soil over the water wage bandh and that is why no seizure of the place was made from where the recovery is alleged.

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.2,000/- (Rupees Two 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 Chourat P.S. Case No. 87 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

