

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23307 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- ARER District- Madhubani

1. GOPI MAHTO S/o Rajendra Mahto Resident of Village- Dhakjari, P.S.- Arer, District- Madhubani.
2. Prakash Mahto S/o Dilip Mahto Resident of Village- Dhakjari, P.S.- Arer, District- Madhubani.
3. Pradeep Kumar @ Pradeep Yadav Son of Jhapas Yadav Resident of Village- Bhadwli, P.S.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioners and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Arer P.S. Case no. 133 of 2021 instituted for the offence punishable under Sections 272, 273/34 of the IPC and Section 30(a) of Bihar Prohibition and Excise Amendment Act.

Prosecution case relates to recovery of 153.810 litres of IMFL from the flour mill of co-accused Mithilesh Yadav and he has disclosed the name of the petitioner as one of his associates.

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 or with the place of occurrence. The name of the petitioner has been disclosed in this case by the apprehended co-accused Mithilesh Yadav before the police, which has got no evidentiary value in the eye of law. 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 Arer P.S. Case no. 133 of 2021, 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 Additional Sessions Judge 2nd-cum-Special Judge, Excise Act, Madhubani subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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