

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34062 of 2021

Arising Out of PS. Case No.-425 Year-2020 Thana- DARIYAPUR District- Saran

1. SANTOSH MAHTO S/O- Harihar Mahto R/o- Village - Tarwa Mathiya, P.S. - Dariyapur, Distt. - Saran, Chapra.
2. Mantosh Mahto S/O Harihar Mahto R/o- Village - Tarwa Mathiya, P.S. - Dariyapur, Distt. - Saran, Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-07-2022 After some arguments, learned counsel for the petitioners seeks permission to withdraw this application against petitioner no.

1.

Permission is accorded.

This application is dismissed as withdrawn against petitioner no. 1.

So far as petitioner no. 2 is concerned, the instant application for anticipatory bail has been filed by him apprehending his arrest in connection with Dariyapur P.S. Case no. 425 of 2020 instituted for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 15 litres of country made liquor from a hut. Local chaukidar has disclosed the name of the petitioner, who managed to escape from there.

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. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession. For a single offence, police has implicated the petitioner and his full brother, which is not just.

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 no. 2 on bail. The petitioner no. 2 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 Dariyapur P.S. Case no. 425 of 2020, 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 Special Judge, Excise Act Saran, Chapra subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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