

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39109 of 2022

Arising Out of PS. Case No.-240 Year-2022 Thana- NADI P.S. District- Patna

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KEDAR MAHTO Son of Late Baldeo Mahto Resident of village-
Gulmai-haya Chak, P.S - Nadi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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 Act, 2016.

Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

Allegation of recovery of 107 litre of liquor 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. He further submits
that the house is a joint family property and, as such, it cannot



be alleged that it was the petitioner who had kept the liquor in the house. He further submits that wife of the petitioner was also arrested and was sent to judicial custody.

Learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application.

Permission is accorded.

Accordingly, the anticipatory bail application is dismissed as withdrawn in connection with Nadi P.S. Case No. 240 of 2022 pending in the Court of learned Special Judge (Excise) at Patna City/successor Court.

In the event, if the petitioner surrenders on or before 08.09.2022, the learned trial court shall dispose of the prayer for regular bail on the same day keeping in mind that in fact, the petitioner was not arrested from the spot and nothing was recovered from his conscious possession.

(Satyavrat Verma, J)

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