

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51917 of 2021

Arising Out of PS. Case No.-169 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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BHOLA MAHTO Son of Late Shrichandra Mahto Resident of Village -
Purnahi, Ward No.- 01, P.S.- Warisnagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aprajita

For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-04-2022 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 Excise Case No. 169 of 2021 instituted for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Prosecution case relates to recovery of 189 litres
IMFL from a thatched hut of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has been falsely
implicated in this case. He has got no criminal antecedent.
Neither the petitioner was arrested on spot nor any incriminating



article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration that the alleged hut belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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