

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56602 of 2021

Arising Out of PS. Case No.-131 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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CHANDRA BHUSHAN MAHTO @ CHANDRA BHUSHAN KUMAR @
CHANU MAHTO S/o Shiv Shankar Singh R/o village- Khanjhapur, Ward
No. 7, P.S.- Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-07-2022 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 Cheriya Bariyarpur P.S. Case no. 131 of 2021 instituted for
the offence under Section 30(a) of the Bihar Prohibition of
Excise Act.

Prosecution case relates to recovery of 425.310 litres
liquor from the house of co-accused Sumitra Devi.

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 co-accused Sumitra Devi who was arrested on spot, which has 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 Cheriya Bariyarpur P.S. Case no. 131 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 Special Judge Excise Act, Begusarai subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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