

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51838 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

Sunny Dewal Mahato @ Sunny Deol Mahato @ Sanideval Mahto, S/O
Rampujan Mahato R/O Village- Salehpur, Salempur, P.S.- Mohammadpur,
District- Gopalganj

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 30(a)
of the Excise Act, 2018.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 25.92 litres of liquor and 40 litres of spirit from a
mustard field behind the house of Hridaya Devi.

The learned counsel for the petitioner submits that the
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is also submitted
that even the alleged place from where the recovery was made



does not belong to the petitioner and he came to be implicated merely because the alleged recovery was made from a place behind his house and he was named by the Chaukidar with whom he was on an inimical term.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mohammadpur P. S. Case No.49 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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