

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62835 of 2021**

Arising Out of PS. Case No.-104 Year-2021 Thana- KESARIA District- East Champaran

NANHAKI MAHTO @ RAVINDRA MAHTO Son of Lalbabu Mahto
Resident of Village - Rajpur Dih, Ward No. -10, P.S. - Kesaria, District - East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim

For the Opposite Party/s : Mr.Surendra Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 19-05-2022 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 Kesariya P.S. Case no. 104 of 2021 instituted for the
offence under Section 30(a) of the Bihar Prohibition of Excise
Act.

Prosecution case relates to recovery of 6 litres of
country made liquor from a motorcycle bearing Registration No.
BR22L-3716.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case. Petitioner



has no concern with the alleged recovery or with the vehicle in question. The alleged motorcycle was parked on the side of the road. The name of the petitioner has been disclosed in this case by the local people before the police, which has no evidentiary value in the eye of law.

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 Kesaria P.S. Case no. 104 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 Additional District and Sessions Judge 2nd cum-Special Judge, Excise, Motihari, East Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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