

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53022 of 2022

Arising Out of PS. Case No.-238 Year-2022 Thana- CHANPATIA District- West Champaran

BASANT MAHTO SON OF BHIKHARI MAHTO R/O VILLAGE-
GARABHUWA LALA TOLA, P.S.- CHANPATIYA (SIRISIYA O.P.),
DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 10 litres liquor and 100 litres semi-prepared liquor (which was destroyed at the spot) from a place at the roadside near petitioner's *gadhi* and 5 litres liquor and 100 litres semi-prepared liquor from a place near Rekha Mahto's furnace.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next



submitted that even the alleged recovery is from a place which does not belong to the petitioner and he came to be implicated merely because the alleged recovery was made from a place which is adjacent to the house of the petitioner, it is also submitted that petitioner came to be implicated at the instance of local *chowkidar* and spy with a view to save the real culprits.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 238 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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