

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55204 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- LAKHNAUR District- Madhubani

Deepak Kumar Mahto S/o Devendra Kumar Mahto R/V- Ward no. 02, Nande
Nagar, Tamoria, P.S.- Lakhanaur, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-11-2022 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 Lakhanaur P.S. Case no. 139 of 2022 instituted for the offence under Sections 420, 467, 468, 471, 120(B), 34 of the Indian Penal Code and Section 30(a), 32(I)(II), 36, 41(1) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 8.64 liters illicit country made foreign liquor from the Pickup van bearing Registration No. BR06GC8644 which belongs to the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been made accused in this case due to he



is owner of the said vehicle. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery of illicit country made foreign liquor or with the place of occurrence. It is admitted fact that the petitioner is registered owner of the said vehicle but it is operated by the driver for carrying goods for commercial operation. 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 the said vehicle belongs to the petitioner.

The petitioner is directed to deposit a sum of Rs 20,000/- (Rs. Twenty Thousand) in the District Legal Services Authority of concerned District.

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 Lakhanaur P.S. Case no. 139 of 2022, 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,



Jhanjharpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs. 20,000/- (Rs. Twenty thousand) by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

amandeep/-

U		T	
---	--	---	--

