

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60706 of 2022

Arising Out of PS. Case No.-399 Year-2020 Thana- ROSERA District- Samastipur

NITISH MAHTO S/o Ashok Kumar Mahto R/o Village- Shahimpur,
Bharwari,P.S.- Rosera, PIN- 848208, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2022 Heard the parties through virtual court proceedings.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 272, 273, r/w section 34 of IPC & 30(a) of the Bihar Prohibition Excise Amendment Act, 2018.

Altogether 536.4 litres of foreign liquor is said to have been recovered from the bank of Shahpuhua pond. As soon as the police team reached the alleged place, the accused persons along with petitioner successfully fled away despite a failed chased done by the police team.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case. His name transpired in this case on the basis of the statement of



local people. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The recovery has been made from a open place and not from a private place. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Rosera P.S. Case No.399 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.



(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000.00/- (Rupees Thirty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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