

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60855 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- SUPPI District- Sitamarhi

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KAMLESH MAHTO @ KAMLESH KUMAR @ KAMAL KUMAR Son of
Rajendra Mahto R/v- Mohini Khurd, P.S.- Suppi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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 45 litres of liquor from a field adjoining to Rajesh Mahto and petitioner's house belonging to Rajesh Mehto and petitioner.

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 field is an open space and is accessible to public



at large, it is also submitted that no prudent man would use his own land for committing an illegality and thus creates evidence against himself, it is also submitted that it appears that someone inimical to the petitioner got him implicated by keeping the liquor in his open field.

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. 1,000/- (Rupees One 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 Suppi P.S. Case No. 200 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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