

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71373 of 2022

Arising Out of PS. Case No.-400 Year-2022 Thana- MADHAURAH District- Saran

1. MANAGER MAHTO Son of Tokan Mahto Resident of Village - Rapura, Police Station - Madhaura, District - Saran.
2. Dhanjeet Mahto @ Dhanjev Mahto @ Dhanjeev Mahto Son of Manager Mahto Resident of Village - Rapura, Police Station - Madhaura, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-12-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners seeks permission to withdraw this application submitting that petitioner no.1, has already been arrested during pendency of this application.

Permission is granted.

Accordingly, this application is dismissed as withdrawn against petitioner no. 1.

Now, this application survives only for petitioner no.2.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

Altogether 15 litres country made liquor near house of



petitioner was recovered. After seeing the police, he started fleeing who were tried to apprehend but they succeeded to flee away taking the advantage of bushes.

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 at the instance of his enemies. His name transpired in this case on the basis of 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. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty 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 eight 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 Madhaura P.S. Case No.400 of 2022, 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.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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