

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49548 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- BELCHHI District- Patna

KARU MAHTO @ KARU KUMAR @ KAMLESH MAHTO SON OF
KHALIF MAHTO VILLAGE KISHANPUR PS BELCHHI DISTRICT
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Belchhi Police Station Case No. 42 of 2023, dated 17.04.2023, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on the basis of secret information, raided the place of occurrence and upon seeing the police, one person, who was carrying a plastic bag, fled away after throwing the bag in his maize field. Upon search, the police recovered 1.6 litres of illicit country-made liquor. The name of the petitioner has been disclosed by the



Mahal Chowkidar.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been made accused in this case on the basis of disclosure of his name by the Mahal Chowkidar. He further submits that the illicit country-made liquor has not been recovered from the conscious possession of the petitioner; rather, the same has allegedly been recovered from his maize field, which is an open space and is accessible to all and sundry. He further submits that the petitioner has got no criminal antecedent.
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the illicit country-made liquor has not been recovered from the conscious possession of the petitioner and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Barh, Patna, in connection with Belchhi Police Station Case No. 42 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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