

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38918 of 2023

Arising Out of PS. Case No.-367 Year-2023 Thana- TURKAULIYA District- East
Champaran

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DINESH MAHTO @ DINESH MAHATO SON OF LATE PANNALAL
MAHATO RESIDENT OF VILLAGE- WARD NO. 9, JHAKHIYA, PS-
BANJARIYA, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Ms.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-07-2023 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 Turkauliya Police Station Case No. 367 of 2023, dated
24.03.2023, disclosing offence under Sections 272/273/34
of the Indian Penal Code and 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 secret information that the petitioner
is selling illicit liquor, reached at the place of occurrence
and upon seeing the police, two persons started fleeing
away, out of which, the police apprehended one person,
namely, co-accused Ram Prasad Bhagat, and recovered



13.4 litres of illicit country-made liquor, kept in small plastic bags. The arrested co-accused person disclosed that the illicit country-made liquor belongs to the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that his name transpired on the basis of the disclosure of his name by the arrested co-accused person. He further submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from his conscious possession and/or premises belonging to him.
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that no illicit liquor has been recovered from the possession of the petitioner, the petitioner was not arrested at the spot and 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 four weeks, 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 Court
No. I, East Champaran, at Motihari, in connection with
Turkauliya Police Station Case No. 367 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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