

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39110 of 2023**

Arising Out of PS. Case No.-88 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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SANJAY MAHTO SON OF BALE MAHTO MOHALLA SHIVNAR WARD
NO 11 THANA MOKAMA DISTRICT PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. Nand Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 28-07-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Excise Police Station Case No. 88C2 of 2023, dated 28.01.2023, disclosing offence under Sections 30(a)/56(b) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police intercepted a motorcycle, arrested a person riding on it and recovered two liters of illicit county made liquor from the said motorcycle.

Learned Counsel for the petitioner submits that the petitioner has been made accused merely on the basis of his being the registered owner of the motorcycle which was being driven by his son, who was arrested by the police along with



illicit country made liquor. He next submits that the petitioner was not aware about the illicit liquor being carried by his son and his friend.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has been made accused on the basis of his being the owner of the motorcycle, he was not present at the place of occurrence and the motorcycle, in question, was being driven by his son, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

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 the learned Additional District and Sessions Judge V -cum- Special Excise Judge II, Lakhisarai, in connection with Excise Police Station Case No. 88C2 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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