

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39108 of 2023

Arising Out of PS. Case No.-358 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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DHIRAJ MAHTO @ DHIRAJ KUMAR @ BUCHAN MAHTO @ BUCHA
KUMAR SON OF LAKHAN MAHTO RESIDENT OF VILLAGE PAIWAN
P.S AURANGABAD MUFFASIL DISTRICT AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Prem Kumar Jha

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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 Aurangabad Police Station Case No. 358 of 2023, dated 25.04.2023, disclosing offence under Sections 30(a) and 30(c) 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 an auto-rickshaw and recovered 35 liters of illicit spirit and arrested two persons, however, one person, who was sitting in the auto-rickshaw succeeded in fleeing away and on enquiry, arrested accused



persons disclosed his name as Dhiraj Mahto i.e. the petitioner.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case on the basis of disclosure of his name by the arrested accused persons. He further submits that the petitioner is neither the owner of the vehicle nor he is concerned with the recovered illicit spirit. He next submits that no illicit spirit has been recovered from the conscious possession of the petitioner and/or from the vehicle belonging to him.

Having regard to the submission made on behalf of the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and no illicit spirit has been recovered from the conscious possession of the petitioner and/or from the vehicle belonging to him, 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 Special Judge, Excise II, Aurangabad, in connection with Aurangabad Police Station Case No. 358 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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