

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49438 of 2023

Arising Out of PS. Case No.-363 Year-2022 Thana- KHANPURA District- Samastipur

KAMLESH MAHTO @ KAMLESH KUMAR Son of Chandeshwar Mahto
@ Chandeshwar Mahato Resident of village - Hariabad Chak, P.S. - Khanpur,
Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate.

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Petitioner apprehends his arrest in connection with
Khanpur P.S. Case No. 363 of 2022 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per the First Information Report a total quantity
of 18.900 litres of illicit liquor has been recovered from behind
the house of the petitioner kept in a bush.

4. Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has got no criminal antecedent. He further submits that
the illicit liquor has not been recovered from his conscious



possession and/or from inside the house of the petitioner rather the same has been recovered from a bush situated behind the house of the petitioner near lavatory.

5. Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioner has got no criminal antecedent and illicit liquor has not been recovered from his conscious possession and/or from inside the house of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court-I, Samastipur, in connection with Khanpur P.S. Case No. 363 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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