

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.46256 of 2023

Arising Out of PS. Case No.-344 Year-2022 Thana- MADHAURAH District- Saran

BUDHAN MAHTO SON OF RAMESH MAHTO RESIDENT OF
VILLAGE- LALAPUR, PS- MORHOWRAH, DISTT- SARAN AT
CHAPARA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Marhowrah Police Station Case No. 344 of 2022, dated 31.05.2022, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that 14 liters of illicit country made liquor has allegedly been recovered from back of the house of the petitioner.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due village politics and the illicit liquor has not been recovered from conscious possession and/or from inside the house of the petitioner. He further submits that from perusal of the seizure list it appears that illicit liquor has been recovered from behind the house of the petitioner which is an open space accessible to all and sundry.

After having heard learned Counsel for the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and/or from inside the house of the petitioner and the same has been recovered from behind the house of the petitioner which is an open space accessible to all and sundry, 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) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra, in connection with Marhowrah Police Station Case



No. 344 of 2022, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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