

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48810 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- PANDAUL District- Madhubani

Umesh Mahto Son Of Mishri Mahto Resident Of Village- Udaypur Bithuwar,
P.S -PANDAUL, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Pandaul P.S. Case No. 121 of 2023 registered
for the offence punishable under Sections 272 and 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

3. From behind the petitioner's house, 10 litre *Chulai*
liquor has allegedly been recovered.

4. Learned counsel for the petitioner submits that
even as per allegation, recovery is from open area which is
accessible for one and all, for which no criminal responsibility
can be attributed to the petitioner. It is a case of false
implication. The petitioner has no criminal antecedents.



5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre-arrest bail would not be maintainable.

6. Considering the rival submissions and the facts, this Court, in view of the parameters for considering pre-arrest bail laid down by a Full Bench of this Court in the case of ***Ram Vinay Yadav vs. State of Bihar***, reported in ***2019(2) PLJR 1089(FB)***, for the limited purposes, is inclined to allow the prayer for anticipatory bail as the allegations are apparently not made out.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 Sessions Judge-2nd-cum-Special Judge, Excise Act, Madhubani, in connection with Pandaul P.S. Case No. 121 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors
will be a close relative of the petitioner



who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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