

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57652 of 2023

Arising Out of PS. Case No.-87 Year-2017 Thana- BARHIYA District- Lakhisarai

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Upendra Kumar Mahto @ Upendra Kumar Mehta, Son of Prasadi Mahto,
Resident Of Village- Bahimar, P.S.- Katkamsandi, District- Hazaribagh,
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Barahiya P.S. Case No. 87 of 2017 instituted under Sections 272, 273 of the IPC and Sections 30 (a), 32(b), 38(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner has no criminal antecedent. There is allegation of recovery of total 495.72 litres of illicit foreign liquor from the pick-up van of the petitioner loaded with watermelon.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner is the owner of the pick-up van and he used to



give his vehicle on rent for transportation. There is no recovery made from physical or conscious possession of the petitioner. He was not present at the place of occurrence. He has no concern with the seized liquor from the pick-up van.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to each to the satisfaction of the learned Additional District & Sessions Judge-IV-cum-Special Excise Court No. 1st, Lakhisarai in connection with Barahiya P.S. Case No. 87 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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