

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58137 of 2023

Arising Out of PS. Case No.-119 Year-2021 Thana- ROSERA District- Samastipur

LAL BABU MAHTO S/O RAJENDRA MAHTO R/O VILLAGE-
ILMASNAGAR, PS. KHANPUR, DIST. SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rosera P.S. Case No. 119 of 2021 registered for the offences punishable under Sections 272, 273/34 of the IPC and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 44 bottles each containing 180 ml of foreign liquor from the motorcycle of co-accused Mukesh Kumar. It is further alleged that apprehended co-accused Mukesh kumar disclosed that at the order of present petitioner he was going to deliver the said liquor to the petitioner.

4. Learned counsel submits that petitioner was not present on spot and he has no concern with the alleged



recovered liquor. He further submits that seized motorcycle does not belong to the petitioner. He further submits petitioner bears criminal antecedent of two cases which is similar to the present case. He further submits on account of previous criminal antecedent he has falsely been implicated in the present case. Except suspicion and confessional statement of co-accused Mukesh Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. Learned counsel further submits that in the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-



1, Samastipur in connection with Rosera P.S. Case No. 119 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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