

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55168 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- PIYAR District- Muzaffarpur

Rajendra Mahto, Son of Late Janak Mahto, R/O Village- Simra, P.S.- Piar,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 28-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through virtual court proceeding.

The petitioner is apprehending his arrest in a case registered for the offences punishable u/s 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, 60 litres of illicit toddy was recovered from the hut of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Nothing has



been recovered from the conscious possession of the petitioner. He has further submitted that the petitioner has no concern with the alleged recovery. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the recovery is made from the hut of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the recovery from the conscious possession of the petitioner. Accordingly, the prayer of anticipatory bail is disposed of with direction to the petitioner to surrender before the court below concerned within six weeks from today and pray for regular bail and the learned court below shall consider his prayer for regular bail on the same day without being prejudiced by this order.

(Chandra Prakash Singh, J)

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