

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61001 of 2023

Arising Out of PS. Case No.-292 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

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Pawan Mahto @ Pawan Kumar Son of Anrudh Mahato @ Aniruddh Mahto
R/o vill - Mahuari, P.S. - Siwan Muffasil, Distt. - Siwan
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehend arrest in connection with
Siwan Muffasil P.S. Case No. 292 of 2023 dated 30.05.2023
instituted for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act 2016.

3. Allegation is recovery of 23 litre country made liquor
from black colour motorcycle bearing registration no. BR 29V
4523. The said liquor was being carried out by the petitioner and
another accused by the said motorcycle, who fled away from the
spot on seeing the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that no incriminating article has been
recovered from the conscious possession of the petitioner. Learned



counsel for the petitioner submits that petitioner has no concern with recovered liquor or the said motorcycle. Learned counsel for the petitioner further submits that the petitioner is not the owner of the said motorcycle. Learned counsel for the petitioner submits that it is apparent from the F.I.R. itself that the recovery was not made from the conscious possession of the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Siwan Muffasil P.S. Case No. 292 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Court No. II, Siwan subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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