

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61890 of 2023

Arising Out of PS. Case No.-444 Year-2023 Thana- KANTI District- Muzaffarpur

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BALENDRA MAHTO @ BALINDRA MAHTO S/O BARIK MAHTO R/O
VILLAGE- KUWAHI, P.S- BARURAJ, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-10-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Kanti Police Station Case No. 444 of 2023, disclosing offence under Sections 30(a)/32(i)(ii)/36/41(i) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').
3. The prosecution case, as per the First Information Report, is that on 15.06.2023 the informant received the information that some persons were loading/unloading liquor from pick-up van near the canal and on this information, the police reached at the place of occurrence and on seeing police party 9 to 10 persons started fleeing away. Upon chase, the police arrested three persons



whereas other accused persons succeeded in fleeing away.

On enquiry, arrested accused persons disclosed the name of the persons, who fled away including the petitioner.

Upon search, the police recovered total quantity of 644.04 liters of illicit foreign liquor from pick-up van and one Hundai car.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of his name having been disclosed by the arrested co-accused persons. The petitioner is having no criminal antecedent. The pick-up and car, from where illicit liquor has been recovered, does not belong to him. No illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner.
5. Regards being had to the submission made by the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner, who has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest



or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 20,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court No. II, Muzaffarpur, in connection with Kanti Police Station Case No. 444 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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