

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65944 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- MADHAURAH District- Saran

Rajendra Mahto aged about 55 yrs (male) S/O Late Hiralal Mahto, Resident of village - Olhanpur, P.S- Marhowrah, District- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Ms. Rajani Kumari, learned counsel appearing on behalf of the petitioner and Mr. Kanhaiya Kishore, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Marhowrah P.S. Case No. 12 of 2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 10 litres of country made liquor from behind the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged seized liquor and the place from



where the recovery was made is easily accessible to anyone. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has four criminal antecedents of similar nature. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner, nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged seized liquor and the place from where the recovery was made is easily accessible to anyone. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 10 Excise, Saran at Chapra, in



connection with Marhowrah P.S. Case No. 12 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

