

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69543 of 2023

Arising Out of PS. Case No.-360 Year-2023 Thana- Excise P.S. District- Rohtas

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Boby Kumar Mahto @ Shashi Singh Son of Ramdhari Mahto Resident of
Mohalla - Dalelganj, Ward No.38, Police Station - Sasaram (T), District -
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashikant, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Excise Case No.851 of 2023 arising out of Excise P.S.
F.I.R. No.360 of 2023 instituted under Sections 30(a)/37 of the
Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of
66.06 litres foreign liquor and 5 litres country made liquor from
the house of co-accused Santosh Sah, who disclosed the name
of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. There is no recovery from the person or the house of the



petitioner and except confessional statement of co-accused, there is nothing against the petitioner. The petitioner has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram in connection with Excise Case No.851 of 2023 arising out of Excise P.S. F.I.R. No.360 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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