

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75489 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- BENIPATTI District- Madhubani

Pashuram Mahto @ Lohar Mahto Son of Bindeshwar Mahto, Resident of
Village - Kachhara (Betauna), P.S.-Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Ashok Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Akshay Lal Pandit, learned
APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Benipatti P.S.Case No.94 of 2023, registered for the offences
punishable under Sections 272 and 273/34 of the Indian Penal
Code and Section 30(a) of Bihar Excise (Prohibition)
Amendment Act, 2022.

3. Prosecution story in short is that the police seized
11.700 ltrs. illicit liquor from a bag, which was being carried by
co-accused, Md. Salauddin Sah, who disclosed the name of the
petitioner.

4. Learned counsel appearing on behalf of the



petitioner submits that nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner surfaced only on the basis of confessional statement of co-accused, Md. Salauddin Sah. Petitioner has clean antecedent.

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

6. Having considered the rival submissions made on behalf of the parties and considering the nature of allegation of recovery of 11.700 ltr. of illicit liquor, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the court of Addl. Sessions Judge II cum Special Judge (Excise Act), Madhubani in connection with Benipatti P.S.Case No.94 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will



automatically lose its force.

(Purnendu Singh, J)

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