

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72987 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- ASHOK PAPER MILL District-
Darbhanga

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DINESH MAHTO SON OF JAGDEV MAHTO @ JAGDEO MAHTO
RESIDENT OF VILLAGE- WARD NO. 9, GOPALPUR, PS- KALYANPUR,
DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-11-2023

1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with A.P.M. P.S. Case No. 150 of 2023 registered
for the offences punishable under Section 30 (a) of Bihar
Prohibition and Excise Act, 2016.

3. As per prosecution case, informant alongwith
police official, recovered 6 litre foreign liquor from the bag
hanging in the handle of Apache motorcycle in question.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired in the present case as owner of the seized motorcycle
in question. He further submits that petitioner is innocent and



has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Learned counsel orally submits that petitioner has no knowledge regarding the alleged liquor kept in the handle of motorcycle, as his motorcycle has been taken away in a friendly gesture. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner was not present at the place of occurrence. There is complete violation of mandatory provision of Section 100 of Cr.P.C. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid section.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Judge-I (Excise Act), Darbhanga in connection with A.P.M. P.S. Case No. 150 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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