

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78864 of 2023**

Arising Out of PS. Case No.-506 Year-2023 Thana- DHAKA District- East Champaran

1. VINOD MAHTO SON OF LATE RAMDEO MAHTO R/O VILLAGE-SORPANIYA, P.S.- PACHPAKRI, O.P. DHAKA, DISTRICT- EAST CHAMPARAN
2. MD. ARMAN SON OF MD. SAFRULLAH R/O VILLAGE- SORPANIYA, P.S.- PACHPAKRI, O.P. DHAKA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.  
For the Opposite Party/s : Mr.Nagendra Prasad, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      12-12-2023      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1, submitting that during pendency of this application petitioner no.1 has been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1 only.

5. Now this application survives for petitioner no.2.



6. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

7. Altogether 99.3 litres of Nepali liquor has been recovered from the seized motorcycle. One person was apprehended on the spot and disclosed the name of the petitioner.

8. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or place of recovery or any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He is not the owner of the seized motorcycle. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has one criminal antecedent as mentioned in para 3 of the bail application.



9. Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) in account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

10. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 Court below where the case is pending/successor Court in connection with Dhaka (Pachpakri) P.S. Case No. 506 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

11. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the



aforesaid amount in Mahavir Cancer Sansthan, Patna.

12. Accordingly, this application stands partly allowed.

**(Anjani Kumar Sharan, J)**

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