

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6351 of 2024

Arising Out of PS. Case No.-1188 Year-2023 Thana- Excise P.S. District- Sitamarhi

Chandan Kumar Mahto @ Chandan Mahto S/o Late Gokul Mahto R/o Vill -
Punaura, P.S. - Punaura, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Singh
For the Opposite Party/s : Mrs. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Sitamarhi Excise P.S. Case No.1188/2023 dated
11.10.2023, registered for the offence punishable under Sections
30(a), 32(3) of Bihar Prohibition and Excise (Amendment) Act,
2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases. An allegation is of
recovery of 115.800 litres of liquor from the under constructed
house of the petitioner and auto. It is next submitted that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession. It is next submitted
that the house is under construction as such presently no one is



staying there and is accessible to public at large as such it appears that someone misused the place for committing an occurrence as no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself. It is next submitted that the house is in the name of his wife Rina Devi and the petitioner is not the owner of auto from which 97.800 litres of liquor was recovered.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15000/- (Rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, Sitamarhi, in connection with Sitamarhi Excise P.S. Case No.1188/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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