

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31573 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- Kalibagh District- West Champaran

Nand Kishore Mahto @ Moti Mahto @ Nand Kishor Mahto S/o Shiv Mahto
R/o Mohalla - Kalibagh Noniadih, ward no. 4, P.S. - Kalibagh O.P., Distt. -
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kalibagh P.S. Case No. 04 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Prosecution case in short there is recovery of 54.12
litres of liquor from the house of one Shiv Mahto.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that petitioner came to be implicated at the instance of local person. Petitioner has no knowledge about the alleged occurrence. There is no compliance of Section 100 of the Cr.P.C. Other co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 09-05-2024, passed in Cr. Misc. No. 33691 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kalibagh P.S. Case No. 04 of 2024, subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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