

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33393 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Bhola Mahto Son of Late Jageshwar Mahto R/O Vill.- Belsandi Tara, P.S.-
Bibhutipur, Samastipur, Bihar 848127.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey
For the Opposite Party/s : Mr.Anant Kumar 1

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

ORAL ORDER

3 25-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Bibhutipur P.S. Case No. 15 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of 496.5 liters of IMFL from a flour mill.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner has no concern with the alleged recovery of liquor and the place of occurrence does not belong to him. No incriminating article has been recovered from



the conscious possession of the petitioner. It is next submitted that the petitioner has one criminal antecedent in which he is on bail. Petitioner has no knowledge regarding the alleged occurrence. The other co-accused has already been granted regular bail by this Court vide order dated 07.05.2024 passed in Cr. Misc. No. 33393 of 2024. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Bibhutipur P.S. Case No. 15 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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