

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35114 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- BIBHUTIPUR District- Samastipur

PANKAJ MAHTO SON OF MAHENDRA MAHTO RESIDENT OF
VILLAGE - KERRAI MUSHARA, POLICE STATION - BIBHUTIPUR,
DISTRICT – SAMASTIPUR Petitioner/s

Versus

THE STATE OF BIHAR BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 230-05-2024
1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Bibhutipur Police Station Case No. 94 of 2024, disclosing offences under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, as per the First Information Report, is that the police, on secret information, intercepted one bolero pick-up van, in which three to four persons were present and on seeing the police all the persons succeeded in fleeing away. The police searched the bolero pick-up van and recovered 394.920 litres of illicit liquor from the said van.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis of the fact that he is the registered owner of the seized bolero pick-up van. He further submits that the said van is being plied on hire basis. The petitioner was not aware about the illicit liquor being carried in the vehicle by its driver. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner has no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent, he is the registered owner of the pick-up van, which is a commercial vehicle and is plied by its driver on hire basis and no illicit liquor has been recovered from the conscious possession of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Samastipur, in connection with Bibhutipur Police Station Case No. 94 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

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