

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37976 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SAHARGHAT District- Madhubani

Saddam Mahto @ Rajesh Mahto @ Rajesh Kumar S/O Ram Baleshwar
Mahto R/O Village- Badatol, P.S- Saharghat, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	Mr. Sanjay Kumar Singh, Advocate
		Ms. Neha Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Saharghat P.S. Case No. 09 of 2024 registered for the alleged offence under Sections 272, 273 of the Indian Penal Code and 30(a) Bihar Prohibition and Excise Amendment Act 2022.

03. As per prosecution case, the informant reported that he received secret information about the petitioner concealing illicit liquor behind his house under the pile of straw. A raid was conducted and recovery of 11.805 litres of India made foreign liquor was made. Further, 50 meters from the said



spot from five jute bags, recovery of 225 litres of country made liquor was made and the petitioner has been named as accused.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. First recovery has been shown behind the house of the petitioner but the petitioner has no concern with the said place which happens to be an open place accessible to all. Similarly, recovery of 225 litres of country made liquor has also been made from a public place having no concern with the petitioner. Petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that recovery has not been shown from the conscious possession of the petitioner and further considering the clean antecedent of the petitioner and also considering the remoteness of allegation coupled with possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from



today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum Special Judge, Excise Act, Madhubani/concerned court in connection with Saharghat P.S. Case No. 09 of 2024 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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