

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51931 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- BASOPATTI District- Madhubani

Firan Mahto, Male, aged about 45 years, S/o Late Soukhi Mahto, R/o Village-
Arghawa, P.S.- Basopatii, Distt.-Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ratnakar Jha, Advocate

For the Opposite Party : Mr. Ajay Kumar No. 2, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with G.R. No. 342 of 2024, arising out of Basopatti P.S. Case No. 39 of 2024 dated 16.03.2024 registered for the offences punishable under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 315 litres of illicit country made liquor was recovered from the plastic bag which was thrown by the apprehended co-accused Neelam Devi and from three motorcycles in question. The apprehended co-accused Neelam Devi has disclosed the name of the petitioner



and Ram Chandra Mahto @ Brahamdeo Mahto and one unknown person.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the recovered liquor and the motorcycles in question. The petitioner was not driving the said motorcycle in question at the time of alleged occurrence. No incriminating article has been recovered from the possession of the petitioner rather the same has been recovered from Shyam Mandal Orchard and the co-accused Neelam Devi and the said co-accused Neelam Devi @ Lilam Devi has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 37292 of 2024 under order dated 15.05.2024. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand)



with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with G.R. No. 342 of 2024, arising out of Basopatti P.S. Case No. 39 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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