

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43509 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- Excise P.S. District- Madhubani

MAHESH MAHTO SON OF VISHWANATH MAHTO VILLAGE-
BALIYARI MUSAHARI WAR NO. 4, P.S.- JHANJHARPUR, DISTT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jhanjharpur Excise P.S. Case No. 53 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, informant got secret information that illicit liquor has been concealed by the liquor trader Mahesh Mahto (petitioner). Thereafter, informant alongwith police team conducted raid and recovered 52.500 litre nepali liquor from the mango orchard and petitioner is said to have found in running condition from the place of occurrence, as stated by the informer who was present along with the



informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel further submits that in the FIR, it has been mentioned that name of petitioner has been surfaced in this case on the basis of confidential information but the source of information has not been disclosed in the FIR. Hence, the authenticity of the FIR is doubtful. He further submits that petitioner has no concern with the alleged recovery and he is not owner of mango orchard. Place of recovery is an open place and same is accessible to all. No incriminating article has been recovered from possession of the petitioner. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Jhanjharpur Excise P.S. Case No. 53 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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