

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58346 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- DIGHWARA District- Saran

Umesh Kumar @ Umesh Mahto Son of Late Brahamdeo Mahto Resident of
Village - Mirpur Bhuwal, P.S. - Dighwara, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate
For the State : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 44 litres illicit liquor has been recovered from behind the house of co-accused *Mohar Paswan*.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case on the basis of confessional statement of co-accused *Mohar Paswan*. Except confessional statement, there is no material on record to show the complicity of this petitioner in the alleged offence. Nothing has been



recovered from conscious possession of this petitioner.
Petitioner has got no criminal antecedents of similar nature.

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

6. Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from conscious possession of this petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged 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 Ist Special Judge Excise, Saran at Chapra, in connection with Dighwara P.S. Case No. 167 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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