

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58979 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Janka Mahto @ Janak Mahto Son of Bataie Mahto Resident of Vill-
Daulatpur, P.S.- Dalsingsarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-09-2024 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 Dalsingsarai Police Station Case No. 83 of 2023, dated 13.02.2023, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that the police, on secret information regarding sale of illicit liquor by the petitioner, reached at the place of occurrence. Upon seeing the police party two persons started fleeing away, however, one person, namely, Mohd Irshad, was apprehended and another succeeded in fleeing away. Upon search, 300 mililiters of illicit liquor kept in bottle was recovered. Upon enquiry, the apprehended co-



accused person disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and the name of the petitioner has transpired on the basis of confessional statement made by the co-accused Mohd Irshad. He further submits that illicit liquor has not been recovered from the conscious possession of the petitioner. and the same has been recovered from the possession of the arrested co-accused. The petitioner has got no criminal antecedent.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that name of the petitioner has transpired on the basis of confessional statement of the arrested co-accused, illicit liquor has not been recovered from the possession of the petitioner and the petitioner has got no criminal antecedent, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court-I, Samastipur, in connection with Dalsingsarai Police Station Case No. 83 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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