

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59443 of 2024

Arising Out of PS. Case No.-384 Year-2022 Thana- TEGHRHA District- Begusarai

Baldeo Mahton @ Baldeo Kumar Mahton @ Baldeo Kumar Mahto S/o-
Ramashray Mahto R/o Village- Ajgar Bar, Binalpur Tajpur, Ps- Teghra Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Teghra P.S. Case No. 384 of 2022 dated 25.12.2022 instituted
for the offence punishable under Sections 30(a) 30(c), 36 of the
Bihar Prohibition Excise Act.

3. The allegation is that 14 litres country made *chulai*
liquor has been recovered from near the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered
from the conscious possession or the house of the petitioner.
Petitioner has been made accused in this case only on the basis
of suspicion. Learned counsel for the petitioner submits that
even in the investigation, not a single independent witness has



come forward to support the allegation levelled against the petitioner. Further, learned counsel submitted that similarly situated co-accused, namely, Krishna Nandan Sahani and Radhe Sahani have been granted anticipatory bail by this Court *vide* order dated 08.11.2023 passed in Cr. Misc. No.65503 of 2023. Lastly, it has been submitted that petitioner has no criminal antecedents.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge 1st, Begusarai, in Teghra PS Case No. 384 of 2022, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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