

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64629 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Ram Babu Kumar @ Rambabu Kumar, aged about 20 years, Male, S/o Hari Narayan Mahto @ Hari Mahto, R/o Village- Patalia, PS- Vibhutipur, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Madhav Kumar, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bibhutipur P.S. Case No. 73 of 2024 dated 10.03.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 28.500 litres of illicit foreign liquor was recovered from the hut of the co-accused Shambhu Mahto.

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 alleged offence. His name has come in the present case of the basis of disclosure made by the Mahal Choukidar. No incriminating article has been recovered from his possession. The alleged recovery of illicit liquor was made from the hut of the co-accused Shambhu Mahto. The petitioner was not arrested on the spot. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused person Anil Mahto @ Anil Kumar has been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 46291 of 2024 under order dated 13.09.2024. The petitioner has clean 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 Exclusive Special Excise Judge-I, Samastipur, in connection with Bibhutipur P.S. Case No. 73 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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