

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73239 of 2023

Arising Out of PS. Case No.-162 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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CHANDAN MAHTO Son of Pawan Mahto R/o Mandir Road Singeshwar,
P.S. - Singeshwar, Dist. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2.The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. Altogether 97.56 litres of foreign liquor has been
recovered from the tea shop of the petitioner. Petitioner is said
to have fled away from the spot.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and he has committed no
offence. No incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no
concern either with the seized liquor or the place of recovery or



any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He was not apprehended on the spot. He had not consumed liquor. He is not owner of the said tea shop. He has been made accused in the present case due to dirty village politics. Petitioner has one criminal antecedent of similar nature that of the present case as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Madhepura Excise P.S. Case No. 162 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that



(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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