

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80778 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- CHACKMEHSI District- Samastipur

Shivchandra Mahto @ Ghanti, Son of Late Virju Mahto @ Late Birju Mahto,
Resident of Village- Somnaha Kushbaha Chowk, Police Station- Chakmehsi,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and Mr.
Awadhesh Kumar Singh, learned APP for the State.

2.The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Chakmehsi P.S. Case No.140 of 2024 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act.

3. The case of the prosecution is that behind the hotel of
this petitioner from the bushes, altogether 4.5 liters of foreign
liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has falsely been implicated in this case. It is further
submitted that the illicit liquor has not been recovered from his



possession rather it has been recovered from an open place. He has no concern with the alleged liquor. He is having criminal antecedent of four cases out of which he is on bail in three cases and in one case he has been acquitted.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner and submitted that petitioner is having four criminal antecedents out of which two are of similar nature.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Chakmehsi P.S. Case No. 140 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise First, Samastipur, subject to the conditions as laid down under section 438(2) of the Cr.P.C. with **a condition that he will not indulge in similar nature of the cases in future.**

(Ashok Kumar Pandey, J)

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