

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80413 of 2024

Arising Out of PS. Case No.-471 Year-2020 Thana- GAURICHAK District- Patna

Pappu Mahto Son of Baleshwar Mahto Resident of Village- Raghurampur,
P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-12-2024 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 Gaurichak Police Station Case No. 471 of 2020, dated 29.12.2020, disclosing offence under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner along with others are selling illicit liquor on the bank of Morhar River, arrived at the place of occurrence and on seeing the police, twelve persons, including the petitioner, fled away. The police recovered 35 litres of illicit country-made liquor from the bank of Morhar River.
4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case on the basis of disclosure of his name by the Chowkidar, local villagers and spy. He further submits that illicit liquor has not been recovered from the premises belonging to the petitioner; rather, the same has been recovered from the bank of River Morhar, which is an open space and is accessible to all and sundry.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that 35 litres of illicit liquor has been recovered from the bank of River Morhar, which is an open space 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 a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, in connection with Gaurichak Police Station Case No. 471 of 2020, subject to the condition laid down under Section 438 (2) of the



Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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