

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82438 of 2024**

Arising Out of PS. Case No.-317 Year-2024 Thana- DARBHANGA SADAR District-  
Darbhanga

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Sarwan Mahto @ Sharwan Kumar Mahto Son of Ramdeo Mahto Resident of  
Village - Bheja, P.S - Bheja, District - Madhubani (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**  
For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate  
For the Opposite Party/s : Ms. Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      11-12-2024              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 u/s 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Altogether 341.685 liters of illicit foreign liquor is said to have been recovered from two cars. No person was apprehended on the spot.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either



with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired only because he is the owner of one of the vehicles from which recovery has been made. Petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five 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, Patna.

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 Darbhanga Sadar P.S. Case No.317 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023, with the following conditions:

(i) 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.

(ii) 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 aforesaid amount in the account of Mahavir Cancer Sansthan.

**(Anjani Kumar Sharan, J)**

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