

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83616 of 2024**

Arising Out of PS. Case No.-372 Year-2024 Thana- BAIRIYA District- West Champaran

Bharat Mahto @ Bharat Prasad Kushwaha S/o- Late Godhan Mahto Resident  
of Village- Mahali Tola Balua Rampurwa ward No 7 PS- Bairiya, Dist- West  
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

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

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Bairiya P.S. Case No. 372 of 2024, registered for the offence under Sections 274/275/3(5) of B.N.S. and Section 30(a)/41(1) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that the Police received a secret information that certain persons have brought huge amount of liquor on a four wheeler. On this information, a car was searched which was parked near bank of river Gandak and from that car altogether 319.680 liquor of foreign liquor was recovered. The three person were named in the FIR. This



petitioner was not named in the FIR. The name of this petitioner surfaced during course of investigation, as the petitioner is the owner of the car.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner submitted that his car was being driven by driver and he has got no information regarding alleged liquor. Petitioner is having no criminal antecedent.

5. In contra, learned APP appearing for the State opposes the prayer of bail of the petitioner.

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 Bairiya P.S. Case No. 372 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 the Exclusive Special Judge, Excise-1st, Bettiah, West Champaran, subject to the conditions as laid down



under section 438(2) of the Cr.P.C.

**(Ashok Kumar Pandey, J)**

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