

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3672 of 2024

Arising Out of PS. Case No.-777 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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Dhamu Mahto @ Subhas Mahto Son of Sipahi Mahto R/o Village-Hat Saraiya
Dih, P.S.- Bairiya District- West champaran

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-02-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel for
the petitioner and Mr. Dilip Kumar No.1, 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 Act, 2016.

3. Altogether 21.240 liters of foreign liquor is said to
have been recovered from a road. The allegation against the
petitioner is that after seeing the police, he escaped from the
spot after throwing a bag on the road.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and 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 any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of secret information. Petitioner has one criminal antecedent.

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 Bettiah (Town) P.S. Case No.777 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, 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 Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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