

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86326 of 2023

Arising Out of PS. Case No.-233 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Dinesh Mahto Son Of Ram Chandra Mahto Resident of Village - Chailaha
Mushari, P.S. - Banjariya, Dist. - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Excise Case No.233 of 2017 (Trial No.5132 of 2022) registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioner has got one criminal antecedent of similar nature in which he is said to be on bail.

3. As per the prosecution story, allegedly two liters of illicit liquors have been recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no recovery of illicit



liquor from the conscious possession of the petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is noticed that the recovery of illicit liquor is from the residential house of the petitioner and the case is of the year 2016, he has a criminal antecedent and in this case the court has, after taking cognizance, issued summon to the petitioner and, thereafter, NBW has been issued to secure his presence and further that a charge-sheet has been filed against the petitioner showing him absconder, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is refused.

7. In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

8. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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