

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 86683 of 2023

Arising Out of PS. Case No.-367 Year-2023 Thana- WARISNAGAR District- Samastipur

Mataru Mahto @ Maturu Mahto S/o - Phaguni Mahto R/o village -
Maniyarpur, P.S.- Warisnagar, District – Samastipur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shanker Singh, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-01-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Warisnagar PS case no. 367 of 2023, disclosing offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.
3. The prosecution story, as per the First Information report, is that 10 liters of illicit countrymade liquor has been recovered from the hut of the petitioner.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the police officer and he has not committed any offence in the manner alleged. He further submits that from perusal of seizure list, it is evident that raid was conducted on 12.10.2023 at about 5 pm and recovery has been shown to be made from



village-Maniyarpur but F.I.R. has been lodged at about 5.45 pm on the same day, in which, it has been mentioned that recovery has been made from the hut of the petitioner. He next submits that petitioner is having no criminal antecedent and the exact place of recovery has not been mentioned in the seizure list.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that seizure list prepared by the police does not show that recovery has been made from the hut of the petitioner, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, 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)-02, Samastipur in connection with Warisnagar PS case no. 367 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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