

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2851 of 2024

Arising Out of PS. Case No.-217 Year-2019 Thana- AWTARNAGAR District- Saran

Chhedi Mahto S/O Kamleshwar Mahto R/O Vill- Madanpur Bintoli, Ps-
Awatarnagar, Dist-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Srivastva, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Awatarnagar PS Case No. 217 of 2019 dated 29-10-2019,
instituted under Sections 188, 272, 273 and 308 of the IPC
and Section 30(a)/38 of the Bihar Prohibition and Excise Act.

3. The allegation is recovery of 50 litres country-made
liquor, which was kept in two plastic gallons, from village-
Madanpur, Bintoli, behind the Railway line.

4. The learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner has not been arrested at the spot. Nothing
has been recovered from conscious possession of the petitioner.
The petitioner has no concern with the alleged recovery, rather



the recovery has been made from behind the Railway line. The place of recovery is an open place, which is accessible to anyone. Hence no case under the Bihar Prohibition and Excise Act is made out against the petitioner. Lastly, it has been submitted that the petitioner has no criminal antecedents, as per statement made in paragraph no.3 of the petition.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Exclusive Special Judge, Excise, Saran, in Awatarnagar PS Case No. 217 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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