

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4347 of 2025

Arising Out of PS. Case No.-112 Year-2023 Thana- KESARIA District- East Champaran

Jitendra Mahto S/O Varun Mahto R/O Vill.- Sagar Churaman, P.S.- Kesariya,
Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kesariya P.S., Case No.112/2023 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 32, 41 (i) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 05 litre country made liquor and 5000 litre raw materiel were recovered and seized from the village Bhagwati Chawar. Local people and Chowkidar disclosed the name of petitioner and others who are said to have fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Except disclosure of local people and Chowkidar, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner bears criminal antecedent of two cases and in both cases he is on bail. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession or house of the petitioner. He further submits that the petitioner has no concern with the alleged recovery and he is not the owner of the said land or place of recovery. He further submits that seized liquor was recovered from the open place and the same was accessible to all. He further submits that on similar and identical allegation, co-accused Vikrama Sahani has already been granted anticipatory bail by this Court vide Cr. Misc. No.69923/2023 and on the principle of parity, the petitioner also deserves same treatment. In the light of the aforesaid submission, no case is made out against the petitioner under aforesaid sections.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, on similar and identical allegation co-accused has already been granted anticipatory bail, argument advanced on behalf of



both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, East Champaran, Motihari in connection with Kesariya P.S. Case No.112/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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