

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5309 of 2025

Arising Out of PS. Case No.-9 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Janardan Mahto @ Janu S/O Prem Chandra Mahto R/O Village - Brahman
Tola, Pathara, P.S- Godda Town, Dist- Godda, State- Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Adv

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Musrigharari P.S Case No. 09 of 2023 registered for the offence punishable under Section 30(a), 32, 36 and 41 of the Bihar Prohibition of Excise Act.

3. It has been alleged in the FIR that the police party saw a Pickup van near a Petrol-Pump, in the meantime two motorcycles along with three persons came near the Petrol-Pump and when the police reached the place of occurrence and made a search, 416 litres of foreign liquors were recovered from the said pickup van and the apprehended persons disclosed their name as Jitendra @ Nanhe and Santosh Ray who have stated that they purchased liquor from Janardan Mahto @ Jano



(petitioner) who hails from Godda (Jharkhand).

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has transpired in this case merely on the basis of confessional statement of the co-accused. The petitioner has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the co-accused have been granted bail by the co-ordinate Bench of this Hon'ble Court and co-accused persons namely *Rakesh Kumar, Naresh fasi @ Naresh Kuamr Mahto, Sanny Kumar @ Sunny Kumar, Sanjay Rai @ Sanjay Ray, Vinay Kumar, Abhishek Kumar, Deepak Kumar, Jitendra Kumar @ Nanho, Deepak Rai and Santosh Rai* have all been granted bail in the present case. The petitioner has two antecedents as stated in para 3 of the bail petition.

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

6. Considering the aforesaid facts and circumstances of the case and the fact that the co-accused persons have already been granted bail by the co-ordinate Benches of this Hon'ble Court and also the fact that the petitioner hails from



Godda(Jharkhand) and his name has transpired on the confessional statement of the co-accused, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged 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 court concerned, Samastipur, in connection with Musrigharari P.S Case No. 09 of 2023, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.).

7. Accordingly, the present application stands allowed.

(Sourendra Pandey, J)

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