

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6443 of 2025

Arising Out of PS. Case No.-352 Year-2023 Thana- MADHAURAH District- Saran

Swaminath Prasad @ Swaminath Mahto Son of Ram Agya Mahto @
Ramagya Prasad R/o- Repura, Near Kali Mandir, P.S.- Madhaurah, P.O.-
Repura, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

Mr. Ram Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Madhaurah P.S. Case No. 352 of 2023 dated 16.06.2023,
instituted for the offence punishable under Sections 30(A) of the
Bihar Prohibition & Excise Act.

3. The allegation is of recovery of 4 litres country
made liquor from the hut of Sanjit Kumar and 45 litres country
made liquor from the bank of river at village Repura.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that only on the basis of disclosure
made by apprehended person namely, Sanjit Kumar, that the
recovered 45 litres country made liquor was kept by the



petitioner near the bank of river at village Repura, the name of the petitioner has been dragged in this case. It is also submitted that petitioner was not arrested at the spot nor anything has been recovered either from his conscious possession or from his house rather the illicit liquor was recovered from the bank of river at village Repura which is an open place and accessible to all. Lastly, it has been submitted that petitioner has one criminal case against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Madhaurah P.S. Case No. 352 of 2023, he/they shall be released on anticipatory 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 2nd Exclusive Special Judge, Saran at Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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