

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34405 of 2025

Arising Out of PS. Case No.-77 Year-2025 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Dinkar Mahto @ Dinkar Kumar S/o Late Jai Krishna Mahto R/o Village-
Samsa, P.S.- Nawkothe, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Adv.

For the State : Mrs. Gulnar Begum, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 08-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 30(d) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. The recovery of total 10 litres of country made liquor along with a motorcycle has been shown from a bamboo field at Vishwakarma Chawk.

4. Learned counsel for the petitioner submits that no recovery was made from physical and conscious possession of the petitioner rather the said recovery has been made from an open area which is accessible to all and the said bamboo field and also the seized vehicle do not belong to this petitioner. His



name has surfaced in this case on account of disclosure made by the local *Chaukidar*. It is further submitted that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner has one criminal antecedent of similar nature. In response to the same, it is submitted on behalf of the petitioner that he is on bail in the said case.

6. Considering the entire facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Nawakothi P.S. Case No. 77 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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