

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89800 of 2024

Arising Out of PS. Case No.-536 Year-2021 Thana- TURKAULIYA District- East
Champaran

Uchit Mahato @ Ram Uchit Mahato S/o Jwahir mahto Resident of Village-
Shankar Saraiya, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 27-01-2025 1. Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Turkauliya Police Station Case No. 536 of 2021, disclosing offences under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the FIR, the police got secret information that petitioner along with other accused persons, have kept illicit liquor in bamboo clump and the bush, proceeded towards the place of occurrence and upon seeing the police party, the persons sitting there, started fleeing away and succeeded in the same. Police recovered 17 liters of country made liquor from the bamboo clump and 15.40 liters of liquor from the bush.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the illicit liquor has been recovered from the bamboo



clump/bush situated in the village which is an open space and is accessible to all. The name of the petitioner has come on the basis of disclosure made by co-villager.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has been recovered from an open space accessible to all and the name of the petitioner transpired on the basis of disclosure made by co-villager, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Motihari, East Champaran, in connection with Turkauliya Police Station Case No. 536 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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