

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24138 of 2016**

Arising Out of PS.Case No. -63 Year- 2016 Thana -CHAKIA District-  
EASTCHAMPARAN(MOTIHARI)

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1. Yogendra Mahto @ Yogindra Mahto Son of Prasad Mahto  
2. Gopal Mahto Son of Late Bhola Mahto  
3. Mahesh Mahto Son of Late Harishchandra Mahto  
4. Nanhak Mahto @ Nanhaki Mahto S/o Late Gorakh Mahto all are residents of Village - Ambedkar Nagar P.S. - Chakia, District - East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.  
For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

4      21-07-2016      Heard the parties.

This application, for grant of anticipatory bail, arises out of Chakia P.S. Case No. 63 of 2016, disclosing offences under Sections 272,273,290/34 of the Indian Penal Code and 47(A) of the Excise Act.

Learned senior counsel, appearing on behalf of the petitioners, has submitted that this is the first time when they have been made accused in a case under Section 47(a) of the Bihar Excise Act. It has also been submitted that the petitioners have been wrongly implicated under the impression that the place from where the country made liquor was recovered, belonged to them.

It is a specific case that the petitioners are neither the owner of the said land nor they had raised any hutments over the land from where the country made liquor was seized.

In view of the submission, as above, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Motihari** in connection with Chakia P.S. Case No. 63 of 2016 corresponding to G.R. No. 1309 of 2016 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, above named, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J)**

Prakash/-

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