

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10670 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Sheo Mahto @ Shiv Mahto Son of Late Bhanu Mahto, resident of Village -
Shankar Sharaiya, Kaswa Tola, Police Station - Turkauliya, District - East
Champaran at Motihari.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.10673 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

Ram Anoop Mahto s/o Hira Lal Mahto resident of village - Shankar
Saraiya, Tola Kaswa, P.S. Turkauliya, Distt - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.10670 of 2017)

For the Petitioner/s : Dr. Amarendra Kumar, Advocate
Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

(In Cr.Misc. No.10673 of 2017)

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

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2017 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioners are languishing in judicial custody since

29.01.2017 in connection with Turkauliya P.S. Case No. 46 of



2017 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 36 of the Bihar Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the police, is that during raid they recovered 23 litres of country made liquor from the thatched hut of petitioner, Sheo Mahto @ Shiv Mahto and 20 litres of country made liquor from the thatched hut of petitioner, Ram Anoop Mahto. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, nothing has been recovered from their conscious possession and they bear no criminal history. It has been further submitted that although the raid was conducted outside the police station, but the seizure list bears police station case number, which casts shadow of doubt on the entire prosecution case.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, East
Champaran at Motihari in connection with Turkauliya P.S. Case
No. 46 of 2017.

(Nilu Agrawal, J.)

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