

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12538 of 2018

Arising Out of PS. Case No.-462 Year-2017 Thana- CHAPRA TOWN District- Saran

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1. JITENDRA KUMAR MAHTO @ JITENDRA MAHTO, S/o Bhuletan Mahto,
 2. Santosh Mahto @ Santosh Kumar Mahto. Sons of Sheo Nath Mahto, Both are resident of Village- Rupganj Kinara Newaji Tola, P.S.- Chapra Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. SRI UMESHNAND PANDIT

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Chapra Town P.S. Case No. 462 of 2017 registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 150 litres of illicit Mahua liquor from an Indica car and upon seeing the Police, the co-accused persons fled away from the said car. It transpired that the other persons who had fled, were the petitioners herein.

The learned counsel for the petitioners submits that neither any recovery has been made from the conscious possession of



the petitioners nor the said car belongs to the petitioners herein.
It is submitted that though the petitioners are accused in one
other case each, however, they are on bail in the said case.

Considering the nature of accusation and the fact that
prima facie no case is made out under the provisions of the
Excise Act, I deem it fit and proper to admit the petitioners
herein to the privilege of anticipatory bail, in the event of their
arrest or surrender before the court below within a period of six
weeks from the date of receipt/production of a copy of this order
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 6th A.D.J., Saran at Chapra in connection with Chapra
Town P.S. Case No. 462 of 2017 subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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