

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52002 of 2018

Arising Out of PS. Case No.-102 Year-2018 Thana- GAUTAMBUDHNAGAR District-
Siwan

-
1. Munna Mahto,
2. Sonu Mahto Both S/o- Tuntun Mahto, R/o Vill.- Gaur Rauza,
P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey
For the State : Mr. Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 24-08-2018 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with G.B.
Nagar P.S. Case No. 102 of 2018 registered for the offence
punishable under Sections 272, 273, 308 of the Indian Penal
Code and Sections 34, 30, 36, 38, 41, 37(B) of Bihar Prohibition
Excise Act, 2016.

15 lts. of country made liquor, one gas cylinder, 3
Kg. jaggery, 4 Kg. Mahua and instrument used for brewing
liquor were recovered from the orchard of date palm and
petitioners were apprehended from the aforesaid place.

It is submitted by learned counsel for the



petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. They have no concern either with the seized articles or with the place of recovery or with any activity of vending liquor. The place of recovery is open place and easily accessible to anyone. They have been falsely implicated in this case by the police merely on suspicion while they were passing through the place of occurrence at the time of occurrence. Though, three more cases under Excise Act have been lodged against the petitioners, but they are on bail in the said cases. Petitioner no. 1 has been languishing in custody since 21.04.2018 while petitioner no. 2 since 18.05.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Siwan in connection with G.B. Nagar P.S. Case No. 102 of 2018.

(Prakash Chandra Jaiswal, J)

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