

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12409 of 2018

Arising Out of PS.Case No. -435 Year- 2017 Thana -BIRAUL District- DARBHANGA

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1. Santosh Mahto, Son of Anandi Mahto,
2. Vimal Thakur, Son of Late Bhuwan Thakur, Both are resident of Supaul
Bazar, P.S.- Biraul, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioners and the

learned counsel for the State.

The petitioners seek anticipatory bail in connection with Biraul PS case no. 435 of 2017 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a), 38(i) and 40(i) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of certain quantities of illicit liquor from an open space.

The learned counsel for the petitioners submits that neither any recovery has been effected from the conscious possession of the petitioners nor the place from where the recovery has been made belongs to the petitioners and the



petitioners are having a clean antecedent.

Considering the nature of accusation levelled against the petitioners herein as also 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.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioners above named are directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge-cum- Special Judge, Excise Act, Darbhanga in connection with G.O. Case No.1637 of 2017 and Biraul PS case no. 435 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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