

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12197 of 2018

Arising Out of PS.Case No. -820 Year- 2017 Thana -SA SARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Upadhyay Mahto @ Upadheya Mahto,
2. Bhikhari Mahto @ Bhikhari Yadav, Both are Sons of Dukhi Mahto @
Dukhi Singh, R/o Village- Dahiyad, P.S.- Sasaram (m), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Sasaram (M) PS case no. 820 of 2017 registered for the
offences punishable under Sections 30(a), 34 of Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding recovery of 5 ltrs. of illicit
liquor from the banks of a river near the lands of the petitioners.

The learned counsel for the petitioners submits that
neither any recovery has been made from the conscious possession of
the petitioners nor the place from where the recovery has been made
belongs to the petitioners. It is further submitted that as far as petitioner
no. 2 is concerned, he is having a clean antecedent but there is one case



pending as against petitioner no. 1.

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 appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge- IIInd-cum-Special Judge (Excise), Rohtas at Sasaram in connection with Sasaram (M) PS case no. 820 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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