

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51366 of 2018

Arising Out of PS.Case No. -183 Year- 2018 Thana -BHELDI District- SARAN

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1. Babu Saheb Mahto, S/o Ranjeet Mahto,
2. Pramod Mahto S/o Jaylal Mahto, Both R/o Vill.- Kishunpur, P.S.- Bheldi,
District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-09-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Bheldi P.S.Case No.183 of 2018 , registered for offences punishable under Sections 188, 272, 273 of the Indian Penal Code and Section 30/30(A) of the Bihar Excise Prohibition Act, 2016.

Allegation against the petitioners is of recovery of liquor from the vacant land of another accused and the petitioner was made accused in this case.

Submission of the learned counsel for the petitioners is that the seizure list itself shows that the recovery is not from the field of the petitioner rather from the field of another accused and the petitioner has been falsely implicated in this case.

Heard learned A.P.P. also.



Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 6th-cum-Special Judge - Excise, Saran at Chapra in connection with Bheldi P.s.Case No.183 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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