

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11898 of 2018

Arising Out of PS.Case No. -178 Year- 2017 Thana -BASOPATTI District- MADHUBANI

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1. Somani Devi, W/o Late Lakshman Mahto,
2. Geeta Devi, W/o Naresh Mahto, both resident of Village- Budelkhand,
P.S.- Basopatti, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioners and the

learned counsel for the State.

The petitioners seek anticipatory bail in connection with Basopatti PS case no. 178 of 2017 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The case of the prosecution as far as the petitioner no.1 is concerned, is that the illicit liquor is said to have been recovered from the back of the house of the petitioner no.1 and his son was arrested. As far as the petitioner no.2 is concerned, the allegation is regarding recovery of illicit liquor from the 'pasi khana of petitioner no.2.

The learned counsel for the petitioners submits that as far as the petitioners herein are concerned, no recovery has been



made from their conscious possession. It is further submitted that the son of the petitioner no.1, namely, Jitendra Mahto has already been released on bail. It is further case of the petitioners herein is that they have been falsely implicated in the present case and, in fact, no recovery has been made from the house of the petitioners. It is further submitted that the petitioners have 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 two sureties of the like amount each to the satisfaction of the learned A.D.J. II in connection with Basopatti PS case no. 178 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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