

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3602 of 2019

Arising Out of PS. Case No.-251 Year-2018 Thana- District- Nawada

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1. Baleshwar Mahto @ Baleshwar Yadav and Anr Resident of Millage- Tungi P.S.- Hisua, District-Nawada
 2. Anoj Yadav Baleshwar Mahto Resident of Millage- Tungi P.S.- Hisua, District-Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, A. P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-02-2019 Heard the parties.

The petitioners seek anticipatory bail in connection with Hisua P.S.Case No. 251 of 2018, registered for offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Allegation as per F.I.R. against the petitioners is that the informant after getting confidential information that in village –Tungi in the orchard of one Umakant Singh, petitioners manufactured and selling the illegal wine on large scale and when the police raided, the accused persons fled away and a seizure list has been prepared.

Submission of the learned counsel for the petitioners is that they have falsely been implicated in this case and nothing



has been recovered from their possession and they have no criminal antecedents, except petitioner No. 2, who is an accused in Hisua P.S.Case No. 341 of 2015 under Section 47 (a) of the Excise Act.

Learned A.P.P. opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances as discussed above, let the petitioner No. 1, 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) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II-cum- Special Judge, Nawada in connection with Hisua P.S.Case No. 251 of 2018, subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure with conditions that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

So far as the case of the petitioner No. 2 is concerned, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before



the court below within a period of four weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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