

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3552 of 2019

Arising Out of PS. Case No.-229 Year-2018 Thana- DAGARUA District- Purnia

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1. Jhagru Mahto son of Late Chandra Mahto
 2. Viren Mahto son of Sadanand Mahto
 3. Saheb Lal Mahto son of Late Siru Mahto
 4. Shankar Mahto son of late Kant Lal Mahto
 5. Anil Mahto son of Rajendra Mahto
 6. Sikandar Mahto son of Chaitu Mahto
 7. Arun Mahto son of Sadanand Mahto
 8. Sanjay Mahto son of Sadanand Mahto
 9. Vinesh Mahto son of Late Munshi Mahto
 10. Sunil Mahto alias Sunil Kumar son of Lakhan Mahto

All resident of village-Nuniya Tola, P.S.-Dagarua, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Amrendra Pd. APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Dagarua P.S. Case No.229 of 2018 registered for the offences
punishable under Sections 272, 273 of the Indian Penal Code
and 30A of the Bihar Prohibition and Excise Act, 2016.

It is submitted by the learned counsel for the
petitioners that from perusal of the entire allegations made in the
first information report, no offence is made out, as against the
petitioners. There is no recovery of any incriminating article



either from the possession or from the house of the petitioners. The specific case of the prosecution is that recovery of 75 litres country-made liquor was made from the paddy field of one Domar Mahto.

Learned counsel for the State concedes that no recovery is either from the personal possession or from the house is alleged against the petitioners. However, it has been alleged that they used to consume liquor.

Considering the nature of allegation made in the first information report as against the petitioners, in the event of arrest or surrender in the court below, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Purnea in connection with Dagarua P.S. Case No.229 of 2018 arising out of Special Excise Case No.1012 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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