

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6227 of 2019

Arising Out of PS. Case No.-288 Year-2018 Thana- BASANTPUR District- Siwan

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1. Banka Mahto, aged about 55 years (M), son of Late Shiv Poojan Mahto.
 2. Lalu Mahto, aged about 22 years (M), son of Late Tigan Mahto
- Both resident of Village- Kishunpura, P.S. Basantpur (Lakri Nabiganj O.P.), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-02-2019 This is an application for grant of anticipatory bail in connection with Basantpur P.S. Case No. 288 of 2018, disclosing offences under Sections 272, 273, 308, 34 of the Indian Penal Code and Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 108 liters foreign liquor from a bamboo clamp which situated behind the house of the petitioners. Further, it appears that petitioner no.2 is accused in one more case of similar type.

Submission of learned counsel for the petitioners is that nothing has been recovered from the conscious possession of the petitioners or from their house, rather the recovery is from the bamboo clamp.



Heard learned A.P.P. also.

Having heard both sides, considering the above submission, so far petitioner no.1 is concerned, this application is allowed. Let petitioner no.1, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II Cum Special Judge Excise, Siwan, in connection with Basantpur P.S. Case No. 288 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

So far petitioner no.2 is concerned, I am not inclined to grant anticipatory bail to him, rather he should surrender before the learned court below and make prayer for regular bail.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/-

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