

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9657 of 2019

Arising Out of PS. Case No.-184 Year-2018 Thana- AMNAUR District- Saran

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1. Babu Saheb Mahto S/O Ranjeet Mahto
 2. Mantu Sah S/O Godhan Sah
- Both R/O Village- Kishunpur, P.S. Bheldi, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-02-2019 The learned advocate for the petitioners seeks permission to withdraw the application with respect to petitioner no. 2/Mantu Sah in order to enable him to surrender before the court below and seek bail.

Prayer is allowed. The prayer for anticipatory bail of the petitioner no. 2 is rejected.

Should he file an application, the court below, shall consider all the relevant facts and would pass orders in accordance with law without being prejudiced by the fact that present petition has not been entertained.



The petitioner no. 1 seeks bail in anticipation of his arrest in connection with Amnour P.S. Case No. 184/2018 dated 18.09.2018 instituted for the offence under Section 272/273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Approximately 400 litres of liquor is said to have been recovered from the agricultural field of one Keta Singh. Name of petitioner no. 1 has been taken by a local Chowkidar who is stated to have seen him running away from the place in the dead of the night.

Learned counsel for the petitioner has submitted that there is no recovery either from him or from his constructive possession and the agricultural field does not belong to him and he has clean antecedents.

Regard being had to the accusation against the petitioner no. 1, he is directed to be released on bail, in the event of his arrest or surrender before the court



below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 6th, Saran at Chapra in connection with Amnour P.S. Case No. 184/2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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