

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19094 of 2019

Arising Out of PS. Case No.-165 Year-2018 Thana- KHANPURA District- Samastipur

1. Devendra Kumar Mahto @ Devendra Mahto, Son of Late Narayan Mahto
Resident of Village- Bujurgdwar, P.S.- Khanpur, District- Samastipur.
2. Upendra Kumar Mahto @ Upendra Mahto, Son of Late Narayan Mahto,
Resident of Village- Bujurgdwar, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and the State.

The petitioners are apprehending their arrest in connection with Khanpur P.S. Case No.165 of 2018 registered for the offence punishable under Sections 30(a), 38(1), 41(i), 41 (ii) and 47 of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on the secret information that about 6-7 persons including the petitioner have stored the illicit liquor in the dried portion of the pound, a raid was laid and 960 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioners have been robed in the present case. It is further submitted that the petitioners are not having criminal antecedent except in one case of the similar nature



in which petitioners are on bail, statement to that effect is made in paragraph no.3 of the bail application.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that on the basis of information that the petitioner have stored liquor, raid was laid and recovery was made and they are named in the FIR.

Considering the nature of accusation and the fact that the prosecution case does not suggest the recovery has been made from the conscious physical possession of the petitioners, the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-3rd-cum-Special Judge, Excise Act, Samastipur in connection with Khanpur P.S. Case No.165 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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