

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.18668 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- HATHUA District- Gopalganj

1. Raju Mahto, Son of Suraj Mahto, Resident of Village - Manichhapar, P.S.-
Hathua, Distt - Gopalganj.
2. Raj Kumar Mahto @ Chhatoo Mahto Son of Shankar Mahto, Resident of
Village - Manichhapar, P.S.- Hathua, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey

For the Opposite Party/s : Mrs. Ishrat Bano

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-03-2019 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that on 31.12.2018, during
patrolling C.I., Bimal Kumar saw the petitioners carrying a bag
containing illicit liquor, on seeing the police personnel, after
throwing the said bag, they escaped from the scene. It is further



alleged that from the open area in front of the house of petitioner no.2, Raj Kumar Mahto @ Chhatoo Mahto, 1 litre 815 ml of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioners that the recovery has been made from the open area and therefore, the same can not be treated as recovery from the conscious physical possession of the petitioners. A statement has been made in paragraph no.3 of the petition that petitioner no.1 is involved in two other cases in which, he is on bail and petitioner no.2 is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners escaped from the place of occurrence after throwing the bag, on seeing the police party.

Considering the fact that the prosecution does not suggest recovery from the conscious physical possession of the petitioners, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 **Additional Session Judge-IIInd-cum-Special Judge Excise, Gopalganj** in connection with **Hathua P.S. Case No.01**



of 2019, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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