

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29089 of 2019

Arising Out of PS. Case No.-209 Year-2018 Thana- SOHSARAI District- Nalanda

1. Lalle Mahto @ Lalan Prasad, Aged about 55 years, Male, Son of Bhattu Mahto, Resident of Village/Mohalla Asha Nagar, P.S. Soh Sarai, District Nalanda.
2. Dilip Mahto @ Dilip Kumar, Aged about 30 years, Male, Son of Bhutuk Mahto @ Kishori Mahto, Resident of Village/Mohalla Asha Nagar, P.S. Soh Sarai, District Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Ahtasham Ali Khan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-05-2019 Heard both sides.

Petitioners apprehend their arrest in Soh Sarai P.S.
Case No.209 of 2018, registered under Sections 30(A) and 38 of
the Bihar Prohibition and Excise Act.

The informant, a police officer, disclosed that he got
information about keeping of liquor in cremation ground
situated behind Mahindra show room by the side of NH-31. The
police raided the place and recovered 418 litres of country made
liquor. The informant alleged that he saw two persons fleeing
away from the place of occurrence and the villagers disclosed
the name of the persons who managed to flee away as Lalle
Mahto and Dilip Kumar.



Learned counsel for the petitioners submits that the seizure list witness is Rishav @ Rishi Kumar against whom Soh Sarai P.S. Case No.6 of 2018 was registered. The seizure list witness is co-villager of the petitioners and he is on inimical term. It is further submitted that the informant did not disclose as to who identified the petitioners fleeing away from the place of occurrence. The petitioners were not known to the informant from before but for ulterior motive, the informant implicated the petitioners whereas the petitioners have got no manner of concern with the recovery of country made liquor from the cremation ground.

Taking into consideration the facts that nobody has seen the petitioners keeping the liquor at the cremation ground situated by the side of NH-31 behind Mahindra show room and the informant did not disclose the source of identification of the petitioners in his statement and petitioners have got no criminal antecedent, let 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 enlarged on 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 3rd Additional Sessions Judge-cum-Special Judge,



Nalanda at Bihar Sharif in connection with Soh Sarai P.S. Case
No.209 of 2018, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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