

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20527 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- HAYAGHAT District- Darbhanga

1. Sanjit Kumar Mahto, Son of Baleshwar Mahto Resident of Village - Rasoolpur, P.S.- Hayaghat, Distt.- Darbhanga (Bihar)
2. Ranjit Kumar Mahto Son of Baleshwar Mahto Resident of Village - Rasoolpur, P.S.- Hayaghat, Distt.- Darbhanga (Bihar)
3. Pawan Kumar Mahto Son of Asharfi Mahto Resident of Village - Rasoolpur, P.S.- Hayaghat, Distt.- Darbhanga (Bihar)
4. Mukesh Kumar Mahto Son of Suraj Mahto Resident of Village - Rasoolpur, P.S.- Hayaghat, Distt.- Darbhanga (Bihar)
5. Dilip Mahto Son of Mahesh Mahto Resident of Village - Rasoolpur, P.S.- Hayaghat, Distt.- Darbhanga (Bihar)
6. Pradeep Mahto Son of Sonelal Mahto Resident of Village / Mohalla- Murgia Chak, P.S.- Bagra, Distt.- Samastipur. (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mrs.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 10.02.2019 in a case registered for the offences punishable under Sections 30(a) and 34(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the informant being Station House Officer of Hayaghat Police Station received a



secret information that in village Rasulpur chemical mixed toddy is being sold by co-accused Sunil Mahto, Sanjay Mahto and Shrawan Mahto, consequently, raid was laid and from the house of co-accused Sunil Mahto, 30 litres, from the house of co-accused Sanjay Kumar Mahto, 35 litres and from the house of co-accused Sharwan Kumar Mahto, 40 litres of chemical mixed toddy were recovered. On interrogation, the apprehended co-accused disclosed of name of six other persons and consequently, from the house of petitioner no. 1 Sanjit Kumar Mahto, 30 litres, from the house of petitioner no. 2 Ranjit Kumar Mahto, 25 litres, from the house of petitioner no. 3 Pawan Kumar Mahto, 60 litres, from the house of petitioner no. 4 Mukesh Kumar Mahto, 45 litres, from the house of petitioner no. 5 Dilip Mahto, 25 litres and from the house of petitioner no. 6, Pradeep Matho 35 litres of chemical mixed toddy were recovered.

It is submitted by learned counsel for the petitioners that the recovery has been made from the joint family house of the petitioners and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the recovery has been made



from the respective house of the petitioners.

Considering the fact that recovery has been made from the respective house of the petitioners which they claim to be their joint family house and statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released 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 learned Vth Additional Sessions Judge -cum- Special Judge, Excise, Darbhanga in connection with G.O. Case No. 132 of 2019, arising out of Hayaghat P.S. Case No. 06 of 2019.

(Dinesh Kumar Singh, J)

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