

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52375 of 2019

Arising Out of PS. Case No.-290 Year-2018 Thana- RIGA District- Sitamarhi

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1. BRIJ MOHAN MAHTO Son of Satyanarayan Mahto
 2. Bharat Mahto son of late Mohan Mahto
Both Residents of Village-Khairwa, P.S.-Riga, District-Sitamarhi.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mrs.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 03-09-2019 The petitioners apprehend their arrest in connection with Riga P.S.Case No. 290 of 2018 registered under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the ‘Act’).

Allegation against the petitioners, as per FIR, is that the police on secret information raided the hut of one Kishun Pandit and after seeing the police party, some persons tried to fee away, however, one person was caught who disclosed the name as Kundan Kumar and on enquiry, he disclosed the name of the petitioner and others. The police recovered a total quantity of 67.500 litres illicit foreign liquor from the hut of Kishun Pandit.

Learned counsel for the petitioners submits that petitioners have got no criminal antecedent and they have falsely been implicated on the basis of statement made by arrested co-accused.



He submits that from perusal of FIR, it is evident that illicit liquor has been recovered from the hut of one Kishun Pandit and not from the premises belonging to the petitioners. Accordingly, learned counsel submits upon perusal of FIR and seizure list, no *prima facie* case under the Act is made out against the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the conscious possession of the petitioners or from the premises belonging to the petitioner and petitioners have got no criminal antecedent, as such I am inclined to grant anticipatory bail to the petitioners. Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Riga P.S.Case No. 290 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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