

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3268 of 2019**

Arising Out of PS. Case No.-241 Year-2018 Thana- BASOPATTI District- Madhubani

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1. Jivachh Mahto s/o Late Nathuni Mahto Resident of Village- Vishaul,P.S- Harlakhi, District- Madhubani
  2. Badri Sada s/oLate Ram Shwarup Sada Resident of Village- Vithar, P.S- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

2      24-01-2019                      Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in Basopatti P.S. Case No. 241/2018, instituted for offence under Section(s) 272 and 273 of the Indian Penal Code read with Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged in the written report that during patrolling duty informant/S.H.O., Basopatti P.S. received information that near Indo-Nepal Border there was altercation between wine dealers and villagers. Thereafter police party reached at the place of occurrence. Seeing the police party 15 to 20 persons managed to escape leaving the liquor. It is alleged that three persons were apprehended by the police and total 450 litres of



Nepali Sofi were recovered.

Learned counsel for the petitioners has submitted that there is no recovery from conscious possession of these petitioners. They have been arrested merely on suspicion. Real culprits managed to run away.

Petitioners are in custody since 10.10.2018 having clean antecedent.

Considering the aforesaid facts and circumstances, prayer of the petitioners for grant of bail is allowed. Let the petitioners, above named, 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 the learned 2<sup>nd</sup> Addl. Sessions Judge, Madhubani, in connection with Basopatti P.S. Case No. 241/2018, subject to the conditions that both the bailors shall be the close relative of the petitioners.

**(Sanjay Priya, J)**

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