

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 80735 of 2019**

Arising Out of PS. Case No.-217 Year-2019 Thana- AWTARNAGAR District- Saran

1 BUDHAN MAHTO, aged about 70 years, male, son of late Lakhdev Mahto
2 Amawas Mahto, aged about 65 years, male, son of late Dev Narayan Mahto
3 Sri Bhagwan Mahto, aged about 60 years, male, son of Mithu Mahto
4 Rajendra Mahto, aged about 60 years, male, son of late Lochan Mahto
5 Jhota Mahto @ Karan Mahto, aged about 26 years, male, son of Rajendra Mahto, residents of village – Madanpur Bin Toli, PS – Awtar Nagar, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-12-2019 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek bail in a case registered under Sections 188, 272, 273, 308 of Indian Penal Code and Sections 30 (a)/38 of Bihar Excise and Prohibition Act, 2016.

50 liters of country made wine is said to have been recovered from the plastic sack. It is alleged that the petitioners, along with others, were indulging in illicit trade of the same. Petitioners' counsel submits that there is no antecedent of the petitioners and they have no concern with the recoveries made. They were not arrested on the spot. They are in custody since



23.11.2019.

Learned APP for the State has opposed the prayer.

Considering the rival submissions, this Court is inclined to accept the submission of the petitioners' counsel.

Let the petitioners above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Saran in Awtar Nagar Police Station Case No 217 of 2019 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fails to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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