

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83082 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- SAHODARA District- West Champaran

1. RAVI MAHTO, aged about 40 years, Male, Son of Yadavlal Mahto
2. Lal Jee Mahto, aged about 45 years, Male, Son of Mahendra Mahto
Both are resident of Village- Kamta Farm, P.S.- Sahodra, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 16-12-2019 Heard learned counsel for the petitioners as well as
learned A.P.P.

It has been alleged at the end of the informant, a police official, that after constituting a raiding party, they gone in action against wine Mafia and during course thereof, when they rushed at village Kamta farm, they were confidentially informed that the people of Kamta colony are engaged in preparation of wine whereupon, they took step for police action and during course thereof, they were resisted by more than 50 persons out of whom, as per local Chaukidar they have identified Antilal Dhagar, Phulena Mahto, Ramesh Dhagar, Ashok Mahto, Jagdeo Mahto, Ravi Mahto, Sipahi Mahto, Lalji



Mahto, Bagri Devi, Kalawati Devi, Savita Devi, alongwith 20 unknown persons. It has further been disclosed that on police action Bagri Devi, Kalawati Devi, Savita Devi, Atilal Dhagar, Fulena Mahto, Ramesh Dhagar, Ashok Mahto, Jagdeo Mahto were arrested. It has further been disclosed that when apprehending accused individually as well as their houses were searched, from the possession of Jagdeo Mahto 5 litres country made wine, from the house of Fulena Mahto 5 litres country made wine as well as apparatus relating thereto, from the possession of Ramesh Dhagar 5 litres country made wine, from the house of Ashok Mahto 5 litres country made wine, from the house of Ravi Mahto (petitioner) 15 litres country made wine as well as apparatus meant therefor, from the house of Hiranman Mahto 15 litres country made wine as well as apparatus meant therefor have been seized and for that respective seizure list were prepared.

At an earlier occasion matter was considered by the Full Bench which concluded that till vires is ultimately decided by the Hon'ble Apex Court where the matter is subjudiced, the court, while entertaining the anticipatory bail petition, would consider whether there happens to be exposor of prima facie case or not. If it has, then in that circumstance anticipatory bail



petition would not be maintainable.

Now, during course of filtering the facts of the case in the background of the allegation, it is needless to say that from the possession of Ravi Mahto 15 litres country made wine as well as apparatus meant therefor has been recovered and on account thereof, the prayer for anticipatory bail would not be maintainable. Consequent thereupon, the prayer relating thereto is hereby rejected.

So far the petitioner Lal Jee Mahto is concerned, it is apparent that his presence has been shown at the first instance where there was resistance at the end of the villagers. That being so, in the event of arrest or surrender within four weeks from today, let the petitioner Lal Jee Mahto be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Bettiah, West Champaran in Sahodra P.S. Case No. 9/2019, subject to the conditions as laid down u/s 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J)

Surendra/-

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