

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2271 of 2020

Arising Out of PS. Case No.-175 Year-2019 Thana- NAYAGAON District- Saran

1. Tapeswar Mahto, aged about 55 years, Male, Son of Ramishwar Mahto @ Rameshwar Mahto
2. Brij Mahto, aged about 47 years, Male, Son of Ramishwar Mahto @ Rameshwar Mahto
3. Rameshwar Mahto @ Ramishwar Mahto, aged about 75 years, Male, Son of Late Parikshan Mahto
4. Arjun Mahto, aged about 25 years, Male, Son of Tapeswar Mahto
5. Sunil Mahto, aged about 18 years, Male, Son of Tapeswar Mahto
6. Sonu Kumar @ Sonu Mahto, aged about 68 years, Male, Son of Tapeswar Mahto, all residents of Village-Shobhepur, P.S.-Nayagaon, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nayagaon P.S. Case No. 175 of 2019 registered for the offences punishable under Sections 341, 323, 383, 188, 272, 273 of the Indian Penal Code and Sections 30/38/41 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that on 23.11.2019, the informant and his villages had filed a case against accused



persons namely Deonath Mahto, Brij Mahto and Tapeswar Mahto stating therein that the above named accused were selling the illegal wine. When the informant along with other villagers protested, the above named accused persons assaulted them with bricks and stones due to which they sustained injuries. In this regard, Nayagaon P.S. Case No.174 of 2019 was registered against them, thereafter on 25.11.2019, all the F.I.R. named accused were coming to the village on a boat from Diyar and on the boat, country made liquor and articles for preparing country made liquor were loaded and on protest by the informant and other co-villagers, all the accused persons threatened to implicate the informant and other villagers, thereafter, with the help of the villagers, they ran to catch the boat then all the accused persons fled away from the spot leaving the boat, thereafter, search of the boat was made from where 100 litres of country made wine, raw materials, one small boat, and other instruments for preparing the illegal wine were recovered from the spot, thereafter, the villagers informed the police of Nayagaon, thereafter, the police seized the said articles. Accordingly, seizure list was prepared in presence of two independent witnesses.

There is allegation that accused persons are involved



in illegal sale of wine and accordingly some wine and other articles as shown in F.I.R. were produced by the informant regarding which production-cum-seizure list was prepared which shows 100 litres of country made wine from a boat belonging to Deonath Mahto and other articles were recovered.

Learned counsel for the petitioners submits that there is recovery of 100 liters of country made liquor from the boat. Learned counsel for the petitioners further submits that the boat does not belong to the petitioners. Learned counsel for the petitioner further submits that there is no recovery from the conscious possession of the petitioners.

In the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners, subject to deposit of Rs.15,000/- (fifteen thousand) in the Juvenile Justice Fund of the State Social Welfare Department and on deposit of the aforesaid amount, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, the court below shall release him on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Nayagaon P.S. Case No.175 of



2019, subject to the condition as laid down under Section 438(2)
of the Cr.P.C.

(Anjani Kumar Sharan, J)

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