

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4749 of 2020**

Arising Out of PS. Case No.-407 Year-2019 Thana- ROSERA District- Samastipur

1. PRABHAT KUMAR MAHTO @ PINTU MAHTO Son of Jay Narayan Mahto Resident of Village- Bataha, P.S.- Rosera, Distt- Samastipur.
2. Asutosh Kumar @ Asutosh Mahto Son of Ram Bhajan Mahto Resident of Village- Bataha, P.S.- Rosera, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Karandeep Kumar

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

ORAL ORDER

2      23-01-2020                      Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Rosera PS case no. 407 of 2019 registered for the offences punishable under Sections 272, 273/34 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 270 liters of illicit liquor from the house of one Gujri Devi and upon interrogation, she disclosed that the petitioners had kept the said liquor at her house.

The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case and are having clean antecedent. It is further submitted that since the house does not belong to the petitioners



herein and moreover no illicit liquor has been recovered from the conscious possession of the petitioners, no offence is made out under the provisions of Bihar Prohibition and Excise Act, 2016.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners coupled with the fact that *prima facie*, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act, 2016, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Addl. Sessions Judge-cum-Special Judge (Excise), Samastipur in connection with Rosera PS case no. 407 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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