

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8418 of 2020

Arising Out of PS. Case No.-283 Year-2019 Thana- PATAHI District- East Champaran

1. Madhurendrra Mahto Son of Buto Mahto
2. Shiv Shambhu Mahto Son of Gulten Mahto Both Resident of Village - Bela Baiju, P.S.- Patahi, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Ms.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners are apprehending their arrest in Patahi P.S. Case no. 283/2019 registered under sections 30(a), 37(d) and 38 of the Bihar Prohibition and Excise Act.

Prosecution case is that 10 liters illicit liquor was recovered from the house of the petitioners.

Counsel for the petitioners submits that recovery was not made in presence of the petitioners and the house is joint family property. He further submits that petitioners have falsely been implicated in this case on extraneous consideration. Petitioners have no criminal antecedent, and no offence whatsoever would be made out under the Bihar Prohibition and Excise Act.

Learned A.P.P. opposes the prayer by referring to section 76(2) of the Act.



Considering the rival submissions for limited purpose of anticipatory bail, this court is inclined to accept the submission of counsel for the petitioners. Application is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Special Judge Excise Act, East Champaran, Motihari in Patahi P.S. Case no. 283/2019 subject to the condition under section 438(2) Cr.P.C and other 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 fail to do so on two consecutive dates, their bail will be liable to be cancelled.

s.hassan/-

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(Madhuresh Prasad, J)

