

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6941 of 2020

Arising Out of PS. Case No.-814 Year-2019 Thana- TURKAULIYA District- East Champaran

- =====
1. SURESH RAI @ SURESH YADAV Son of Jhgru Rai @ Jagaru Yadav Resident of Village - Brahampuri, P.S.- Banjariya, District- East Champaran
 2. Jhuna Mahto @ Harendra Mahto Son of Dasai Mahto Resident of Village - Brahampuri, P.S.- Banjariya, District- East Champaran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-06-2020 Heard Mr. Dhananjay Kumar No. 2, learned counsel for the petitioner and Mr. Bishweshwar Ram, learned APP for the State.

The petitioner no. 1 has been arrested.

Learned counsel for the petitioners seeks permission to withdraw the application with respect to petitioner no. 1.

This petition with respect to petitioner no. 1 is dismissed as withdrawn.

The petitioner no. 2 seeks bail in anticipation of his



arrest in connection with Turkaulia (Banjariya) P.S. Case No. 814/2019 dated 15.11.2019 instituted for the offences under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As the allegation goes, on secret information that liquor was stored in the house of one Suresh Rai, the house of Suresh Rai was raided. It is alleged that petitioner along with Suresh Rai managed to flee away from the house.

Learned counsel for the petitioners has submitted that petitioner no. 2 has got no concern at all with Suresh Rai and his name has been provided to the police by the local villagers, who have some animus against the petitioner. From the facts, it has been urged that no offence under any one of the provisions of Excise Act is said to be made out against the petitioner.

Considering the aforesaid facts, petitioner no. 2, namely, Jhuna Mahto @ Harendra Mahto, is directed to be released on bail, in the event of his 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, on



furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. -IX -cum-Special Judge Excise, East Champaran, Motihari, in connection with Turkaulia (Banjariya) P.S. Case No. 814/2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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