

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27519 of 2020**

Arising Out of PS. Case No.-71 Year-2020 Thana- MADANPUR District- Aurangabad

1. KAMALDEO MAHTO Son of Late Krit Mahto Resident of Village - Chandauli, P.S.- Madanpur, District - Aurangabad.
2. Yogendra Mahto Son of Late Suresh Mahto Resident of Village - Chandauli, P.S.- Madanpur, District - Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Yugal Kishore,Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-11-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Ashok Kumar Singh No. 1, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Madanpur P.S. Case No. 71 of 2020 registered for the offences punishable under Sections 30(a), 30(c) and 30(d) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submits that on secret information Police raided the house of petitioner no. 1 from where 20 liters of illicit liquor and one liquor packing machine was seized. It is alleged that the petitioners were identified by the Mahal Chaukidars as the persons who managed



to escape on seeing the Police.

Learned counsel submits that the petitioners have been falsely implicated in this case as in the night identification of the petitioners by the Chaukidars is doubtful one and nothing has been recovered from the house of petitioner no. 2.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein the alleged illicit liquor and the manufacturing items and materials have been seized from the house of petitioner no. 1 and the Mahal Chaukidars have identified both the petitioners as the persons who were found fleeing away from the house when the raid was conducted, this Court is not inclined to grant privilege of anticipatory bail to the petitioners above named. There being some materials to connect them with the present case, in the opinion of this Court the statutory bar under Section 76(2) of the Bihar Prohibition and Excise Act shall operate. The prayer for anticipatory bail of the petitioners is thus, refused.

In case the petitioners surrender and pray for regular bail before the learned court below within a period of four weeks from today, their prayer for regular bail shall be



considered on their own merits without being prejudiced by the present order.

The observation with regard to surrender in the court below within four weeks shall not be construed as granting any interim protection for the aforesaid period.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

