

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31738 of 2020

Arising Out of PS. Case No.-156 Year-2020 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. MUKESH KUMAR MAHTO Son of Nathuni Mahto R/o Vill.-Gandhi Nagar, Simri, P.S.-Bisfi, District-Madhubani.
 2. Rishu Kumar Yadav Son of Rambabu Yadav @ Lal Babu Yadav Resident of Village-Balughat, P.S.-L.N.M.U. (University), District-Darbhanga.
 3. Sikandar Yadav Son of Rajendra Yadav Resident of Village-Balughat, P.S.-L.N.M.U. (University), District-Darbhanga.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Vinay Kumar Mishra, Advocate.
For the State	:	Mr. Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-12-2020 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 24.11.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

At the very outset, learned counsel appearing on behalf of the petitioners, through Video Conferencing, seeks permission to withdraw this application in respect of the petitioner no.2, namely, Rishu Kumar Yadav.

Permission is accorded.



This application, in respect of the petitioner no.2, namely, Rishu Kumar Yadav, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1 and 3, above named, to grant them the privilege of bail is being considered.

Heard learned counsel for the petitioner nos.1 and 3, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.1 and 3, above named, seek bail in connection with G.O. Case No.610 of 2020, arising out of L.N.M.U (University) P.S. Case No.156 of 2020, registered under Sections 272 and 273/34 of the Indian Penal Code besides Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty, the informant along with other police personnel received information about the storage of illicit liquor by Guddu Mahto at Mohallla-Balughat. Thereafter, the informant along with other police personnel reached there. When they entered into the house of Guddu Mahto, then, on seeing the police party, four persons started to flee away from there. On chase, while three persons were apprehended but one person succeeded to flee away. The apprehended persons disclosed their name as Mukesh Kumar Mahto (petitioner no.1), Rishu Kumar Yadav and Sikandar Yadav (petitioner no.3). On search, 13 sacks, containing several bottles of different quantity of liquor, in the volume of 582 liters, were recovered from there.



Learned counsel appearing on behalf of the petitioner nos.1 and 3 submits that the petitioner nos.1 and 3 are labourers and they were engaged in the work of labourer at the P.O. village but, on mere suspicion, they were apprehended by the police. The petitioner nos.1 and 3 have no criminal antecedents and are in custody since 19.06.2020.

Having regard to the facts and the circumstances of the case, the petitioner nos.1 and 3, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga, in connection with G.O. Case No.610 of 2020, arising out of L.N.M.U (University) P.S. Case No.156 of 2020.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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