

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17535 of 2021

Arising Out of PS. Case No.-539 Year-2020 Thana- CHAPRA TOWN District- Saran

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1. DILIP MAHTO Son of Sudama Mahto Resident of Village- Purwi Dahiyawa Mission Compound, P.S.- Chapra Town, District- Saran at Chapra.
 2. Sanjay Mahto Son of Sudama Mahto Resident of Village- Purwi Dahiyawa Mission Compound, P.S.- Chapra Town, District- Saran at Chapra.
 3. Tufani Mahto Son of Sudama Mahto Resident of Village- Purwi Dahiyawa Mission Compound, P.S.- Chapra Town, District- Saran at Chapra.
 4. Mithun Mahto Son of Sudama Mahto Resident of Village- Purwi Dahiyawa Mission Compound, P.S.- Chapra Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 27-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 30(a) and 41(1) and (2) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 224 litres of country liquor was recovered from possession of the accused Naushad Ansari who on inquiry disclosed the name of the four petitioners as the accused who had managed to escape.



It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from their possession. They have been falsely implicated in the case. The only material against them is the confessional statement of the co-accused made before the police. The petitioner no.1 is in custody since 17.11.2020, the petitioner nos.2 and 3 are in custody since 4.10.2020 and petitioner no.4 is in custody since 1.2.2021. Investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, no incriminating article having been recovered from the possession of the petitioners and their names transpiring on the confessional statement of co-accused made before the police, all the four petitioners are directed to be enlarged on bail in connection with Chapra (Town) P.S. Case no. 539 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge / Special Judge, Excise, Saran at Chapra.

(Partha Sarthy, J)

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