

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21726 of 2021**

Arising Out of PS. Case No.-206 Year-2020 Thana- RAFIGANJ District- Aurangabad

1. Santosh Kumar Son of Baijnath Mahto @ Baighanath Prasad Resident of Village- Baligaon, P.S.- Rafiganj, District- Aurangabad.
2. Ranjeet Kumar Son of Baijnath Mahto @ Baighanath Prasad Resident of Village- Baligaon, P.S.- Rafiganj, District- Aurangabad.
3. Baijnath Mahto @ Baighanath Prasad S/o Late Brahmdeo Mahto Resident of Village- Baligaon, P.S.- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Pandey, Adv.  
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      15-09-2021                      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 section 30(a) of the Bihar Prohibition and Excise Act, 2016

As per the prosecution case, 630 litres of spirit was recovered from the house of the petitioners.

It is submitted by learned counsel for the petitioners that the petitioner nos. 1 and 2 who happen to be the son of petitioner no.3 have all been falsely implicated in the case because of the antecedents of petitioner nos.1 and 2. No



incriminating article has been recovered from their possession or from their house. They are in custody since 9.12.2020. Chargesheet has been submitted in the case. The petitioner no.3 who is an 80 years old man has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner nos.1 and 2 having criminal antecedents under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge them on bail and the application for bail of petitioner nos. 1 and 2 are rejected.

Liberty is granted to the petitioner nos. 1 and 2 to renew their prayer for bail on completing one year in custody.

In the facts of the case petitioner no.3, Baijnath Mahto @ Baighanath Prasad is directed to be enlarged on bail in connection with Rafiganj P.S. Case no. 206 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Aurangabad.

**(Partha Sarthy, J)**

Bibhash

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