

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26573 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- SAHARGHAT District- Madhubani

1. RAKESH MAHTO @ RAKESH KUMAR MAHTO Son of Ram Prasad Mahto
2. Shiv Shankar Mahto Son of Ram Varn Mahto
Both are resident of Village- Gangaur, Ward No.8, Police Station- Harlakhi,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-11-2021 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 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 405 litres of nepali liquor was recovered from the magic van and the petitioners herein, who made an attempt to escape, were caught.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. No incriminating article has been recovered from their



possession. They have no concern with the alleged magic van nor with the seized liquor. They are in custody since 16.1.2021 and have no criminal antecedent.

Further, a supplementary affidavit has been filed on behalf of the petitioners with respect to the death of the grandmother of the petitioner no.2.

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 petitioners not having any criminal antecedent, the Court directs the two petitioners to be enlarged on bail in connection with Saharghat P.S. Case no.9 of 2021 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 Additional Sessions Judge II -cum-Special Judge, Excise Act, Madhubani.

(Partha Sarthy, J)

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