

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36522 of 2021**

Arising Out of PS. Case No.-27 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

1. PAPPU MAHTO @ PAPPU KUMAR S/O AVDHESH MAHATO R/O VILLAGE-SIWAIPATTI, PS SIWAIPATTI, DISTRICT MUZAFFARPUR
2. ANSHIK MAHTO S/O RAJ NANDAN MAHATO R/O VILLAGE-SIWAIPATTI, P.S-SIWAIPATTI, DISTRICT-MUZAFFARPUR.

... .. Petitioners.

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Mustque Alam

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 04-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normall court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Section 272/273/34 and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

26.625 liters of foreign liquor is said to have been recovered from the house of the co-accused Dinesh Thakur.



It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. No incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. They have been made accused in this case merely on suspicion. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They have no criminal antecedent and have been languishing in custody since 15.03.2021.

Petitioners are agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) **each** in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Siwaipatti P.S. Case 27 of 2021, subject to the following conditions:

(1) that one of the bailors will be a close relative of



the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00 (Rupees Five Thousand) **each** in the PM Cares fund.

(Anjani Kumar Sharan, J)

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