

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30508 of 2020

Arising Out of PS. Case No.-358 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

1. MONU MAHTO @ RANJEET KUMAR Son of Haricharan Mahto Resident of Village - Chhit Bhagwatipur, Ward No. -13, P.S. - Ahiyapur, District - Muzaffarpur, at present resident of Ward No. 45, Soda Godam, Near Durga mandir, Chandwara, P.S. - Ahiyapur District - Muzaffarpur.
2. Santosh Kumar @ Santosh Mahto Son of Raghubir Prasad Resident of Village - Chhit Bhagwatipur, Ward No. -13, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-01-2021 Heard learned counsel for the petitioners and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Ahiyapur P.S. Case No. 358 of 2020, registered under sections 272 and 273 of the Indian Penal Code and section 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, 27 litres of IMFL from the house of petitioner no. 1 and 20.685 litres of IMFL from the house of petitioner no. 2 is stated to have been recovered.

It is submitted by learned counsel for the petitioners that the allegations of recovery as alleged in the FIR are false and incorrect. No recovery of any incriminating article has



taken place. Further referring to the seizure list, it is submitted that the alleged place of recovery mentioned therein is not the house of the petitioners but ward no. 13 in the village. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the submissions made and the petitioners not having any criminal antecedent, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Ahiyapur P.S. Case no. 358 of 2020, G.R. No. 589 of 2020, they will be enlarged on bail 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 learned Special Judge Excise Act, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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