IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.726 of 2021

Arising Out of PS. Case No.-158 Year-2020 Thana- JHANJHARPUR District- Madhubani

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1. GANESH MAHTO S/o Bishwanath Mahto Resident of Vill.- Sukhet Mushari Tola, Ward No. 4, P.S.- Jhanjharpur, Distt.- Madhubani.
2. Mahesh Mahto S/o Bishwanath Mahto Resident of Vill.- Sukhet Mushari Tola, Ward No. 4, P.S.- Jhanjharpur, Distt.- Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjan Kumar Jha- Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 24-06-2021 Heard Mr. Ranjan Kumar Jha, the learned Advocate for the petitioners and Mr. Bhanu Pratap Singh, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Jhanjharpur P. S. Case No.158 of 2020, instituted for the offences under Sections 272, 273/ 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It appears from the prosecution report that liquor has been recovered from the house of the petitioners which has now been seized.

The learned counsel for the petitioners has raised

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several grounds including that the seizure list has not been signed by any one of the members of the family of the petitioners and that their implication in this case is on the statement of local Chaukidar and villagers, who have definite axed to grind against them.

However, these grounds do not weigh with this Court for granting anticipatory bail to him for the reason that recovery has been made from the house of the petitioners which has not been denied.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the Court below and seek bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

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