

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14582 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- ROSERA District- Samastipur

1. BAIJU MAHTO S/o Nathuni Mahto @ Nothni Mahto @ Nothani Mahto @ Surendra Mahto R/o village- Motipur, P.S.- Rosera, District- Samstipur
2. Mintu Mahto @ Minto Mahto S/o Nathuni Mahto @ Nothni Mahto @ Nothani Mahto @ Surendra Mahto R/o village- Motipur, P.S.- Rosera, District- Samstipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Rosera P.S. Case No. 178 of 2020 instituted for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition Act.

399.920 litres of liquor is said to have been recovered from the toilet of the panchayat building. The implication of the petitioners in this case is on the basis of



a statement that at the time of raid, they had managed to run away.

The learned counsel for the petitioners has submitted that the accusation is absolutely false.

The petitioners have clean antecedents.

The names of the petitioners have wrongly been transmitted to the local Police Officer, who has registered the F.I.R.

For the reasons afore-stated, the learned counsel for the petitioners submits that the offence under the Excise Act cannot be said to have been made out against them.

On the above-noted arguments, the petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II-cum-Special Judge



(Excise Act), Samastipur, in connection with Rosera P.S.
Case No. 178 of 2020, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

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