

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7785 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- MAHARAJGANJ District- Siwan

1. SHASHI MAHTO S/o Lachhuman Mahto
2. Ajit Mahto S/o Sukhichand Mahto
3. Prakash Kumar Mahto S/o Munna Mahto
All Resident of Village- Purani Bazar, P.S.- Maharajganj, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd. (APP)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State through the virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code read with Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 10 litres of liquor is alleged to have been recovered from the house of petitioner no. 1, 45 litres of liquor is alleged to have been recovered from the house of petitioner no. 2 and 15 litres of liquor is alleged to have been recovered from the house of petitioner no. 3.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and they have



falsely been implicated in the present case. The house is a joint family property, as such, it cannot be alleged that it was the petitioners who had kept the liquor in their houses. He further submits that the petitioners came to be implicated based on secret information and they were not arrested from the spot and, as such, nothing was recovered from their conscious possession.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.3,000/- (Rupees Three 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 Maharajganj P.S. Case No. 310 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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