

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17033 of 2022**

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

1. RANJIT KUMAR MAHTO @ RANJEET MAHTO Son of Sakhichandra Mahto
 2. SHIVNATH MAHTO SON OF RAM BACHAN MAHTO
 3. GUDDU MAHTO @ GUDDU KUMAR MAHTO SON OF LAXMAN MAHTO
 4. ISHWAR MAHTO @ ISHWIR KUMAR SON OF MOHAN MAHTO
 5. RAJ KUMAR MAHTO SON OF GOPAL MAHTO
 6. DINESH MAHTO @ DINESH KUMAR SON OF GOPAL MAHTO
- All are Resident of Village - Purani Bazar, P.S. - Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 29-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

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

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.



Allegation is of recovery of liquor from the house of the petitioners.

Learned counsel for the petitioners submits that from perusal of the allegation, as alleged in the FIR, it would manifest that different quantity of liquor, as detailed in the FIR, is alleged to have been recovered from the house of the petitioners. Learned counsel submits that it absolutely does not stand to reason that how the police raided the house of so money accused in one go. It is submitted that the moment an accused would come to know that police had arrived in the village he would flee and at the same time destroy the liquor. It is next submitted that from perusal of the seizure list, it would manifest that the same was prepared in a mechanical manner as in all the seizure lists the witnesses are the same but their addresses are not mentioned, as such, it appears that the police in order to falsely implicate the petitioners falsely alleged that liquor was recovered from their houses. It is next submitted that it absolutely does not stand to reason that how the police came to know about the name of the petitioners when it is not alleged that either Chawkidar or local people disclosed their names.

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.5,000/- (Rupees 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 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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