

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27310 of 2021

Arising Out of PS. Case No.-467 Year-2020 Thana- PAHARPUR District- East Champaran

1. Jai Narayan Mahto Son of Mansi Mahto Resident of Village Sareya Britee Dhangar, Tola, P.S. - Paharpur, District - East Champaran, Motihari.
2. Krishna mahto Son of Dukhan Mahto Resident of Village Sareya Britee Dhangar, Tola, P.S. - Paharpur, District - East Champaran, Motihari.
3. Hira Mahto Son of Shiv Narayan Mahto Resident of Village Sareya Britee Dhangar, Tola, P.S. - Paharpur, District - East Champaran, Motihari.
4. Basude Mahto Son of Budhan Mahto Resident of Village Sareya Britee Dhangar, Tola, P.S. - Paharpur, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 31-01-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under



Sections 30, 30(a) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioners seeks permission to withdraw the petition with regard to petitioner Nos. 1 and 4 namely Jai Narayan Mahto and Basudeo Mahto since they have been arrested.

Permission is accorded.

Accordingly, the petition with regard to petitioner Nos. 1 and 4 is permitted to be withdrawn.

There is recovery of 10 litres of country made liquor from an orchard which was situated near the house of petitioner No. 1.

It is submitted by learned counsel for the petitioner Nos. 2 and 3 that nothing has been recovered from the conscious and constructive possession of the petitioners. The petitioner Nos. 2 and 3 were not apprehended from the spot. The place from where the recovery has been made does not belong to the petitioners. A statement has been made in para 3 of the petition that petitioner Nos. 2 and 3 have no criminal



antecedent.

Considering the aforestated facts, let the petitioners Nos. 2 and 3, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Excise Act, East Champaran at Motihari in connection with Paharpur P.S. Case No. 467 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

