

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28372 of 2022

Arising Out of PS. Case No.-6 Year-2018 Thana- RIVILGANJ District- Saran

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1. LADDU MAHTO Son of Late Kailash Mahto Resident of Village - Roopganj, Ward No. -29, Chapra, P.S. Nagar, Chapra, District - Saran.
 2. Rakesh Mahto Son of Late Kailash Mahto Resident of Village - Roopganj, Ward No. -29, Chapra, P.S. Nagar, Chapra, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyanka Singh

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Revilganj P.S. Case no. 6 of 2018 instituted for the offence under Sections 272 and 273 of the IPC and Section 30 (a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 75 litres of illicit liquor from the bank of Saryu river and on seeing the police party, all five accused persons managed to escape.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed



no offence. They have got no criminal antecedent. Petitioner no. 2 has no criminal antecedent. Neither the petitioners were arrested nor any incriminating article has been recovered from their possession.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that petitioner no. 2 has criminal antecedent of three cases of Excise Act.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 1 on bail. The petitioner no. 1 is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Revilganj P.S. Case no. 6 of 2018, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra subject to the conditions as laid down under section 438(2) of the Cr.P.C.

So far as petitioner no. 2 is concerned, there are criminal antecedents of three cases against him, I am not inclined to grant him bail. His prayer for bail stands rejected.

However, if the petitioner no. 2 surrenders and prays



for regular bail, the same may be considered by the court below
on its own merit without being prejudiced by this order of
rejection.

This application stands disposed of.

(Sunil Kumar Panwar, J)

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