

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44719 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- BALIGAON District- Vaishali

1. SHANKAR MAHTO Son of Late Muneshwar Mahto Resident of Village- Bela Sandhan @ Belasandhan, P.S.- Baligaon, District- Vaishali.
2. Rajendra Mahto Son of Late Muneshwar Mahto Resident of Village- Bela Sandhan @ Belasandhan, P.S.- Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-01-2022 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in connection with Baliagaon P.S. Case No.10 of 2021, registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

Allegation is of recovery of 90 liters each of country made liquor from the houses of the petitioners.

Learned counsel for the petitioners submits that



petitioners are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case due to enmity and local politics. No incriminating article has been recovered from their conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor. There is non compliance of section 100 of the Cr.P.C. while making the search and seizure. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, since the recovery of liquor has been made from the house of both the petitioners, I am not inclined to grant the privilege of anticipatory bail to the petitioners named above.

Accordingly, the instant anticipatory bail application is dismissed.

(Anjani Kumar Sharan, J)

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