

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48214 of 2021

Arising Out of PS. Case No.-159 Year-2020 Thana- NADI P.S. District- Patna

1. Vijay Mahto @ Vinay Mahto S/O Late Ganga Mahto
2. Suraj Kumar S/o Vijay Mahto @ Vinay Mahto
3. Tutu Paswan S/o Lato Chamru Paswan all are R/o village- Gulmahiyachak,
P.S.- Nadi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 30(a), 37(c) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 4 liters of country made



liquor is said to have been recovered from the hotel. He submits that recovery has been made from an open hut which does not belong to these petitioners. He submits that according to the FIR local villagers disclosed the name of the petitioners, but on perusal of the seizure list, it appears that no independent witness has signed on the same. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

Considering the facts that the said illicit liquor has been recovered from the hotel of the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Special Case No. 5892 of 2020 arising out of Nadi P.S. Case No. 159 of 2020.

(Anjani Kumar Sharan, J)

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