

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52685 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- GAUTAMBUDHNAGAR District- Siwan

1. LAKHENDRA MAHTO SON OF LALAN MAHTO R/O VILLAGE- GAUR BUJURG, P.S.- G.B.NAGAR, DISTRICT- SIWAN
2. RANJEET MAHTO @ RANJEET KUMAR SON OF LATE SUGRIV MAHTO R/O VILLAGE- GAUR BUJURG, P.S.- G.B.NAGAR, DISTRICT- SIWAN
3. JITENDRA MAHTO SON OF LAXMAN MAHTO R/O VILLAGE- GAUR BUJURG, P.S.- G.B.NAGAR, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mrs.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-02-2022 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 undertaken period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner no.1, as he has already been arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.1



is dismissed as infructuous.

Now, the present application is being heard for consideration of bail as against petitioner nos. 2 and 3.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable under sections 30(a), 34, 36, 38, 41(i) of the Bihar Prohibition and Excise Act, 2016.

Altogether 242 liters of country made liquor is said to have been recovered from an orchard and bansbari while six persons fled away from the spot.

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 ulterior motive. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Their name transpired in this case on the disclosure of the chaukidar. Petitioners have no concern either with the seized liquor or any trade of liquor. The recovery is said to have been made from the orchard which does not belongs to the petitioner. There is no compliance of section 100 (6) of the Cr.P.C. Petitioners have no criminal antecedent, as also mentioned in para-3 of this application.



Petitioner nos.2 and 3 are agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) each in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner nos.2 and 3, named above, in the event of their arrest/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.25,000/- (Rupees Twenty 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 G.B. Nagar P.S. Case No.77/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) One of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with petitioner. He will also undertake to inform the Court if there is any change in the address of petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will



be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner nos.2 and 3 shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

pallavi/-

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

