

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43868 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- CHANPATIA District- West Champaran

VIYAPHI DEVI Wife of Gharbharn Mahto Resident of village- Garbhua Lala
Tola, P.S- Chanpatiya, Sirisiya O.P. Dist- Bettiah, West Champaran Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44496 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- CHANPATIA District- West Champaran

SUGMAN MAHTO @ MAHENDRA MAHTO SON OF GHARBHARAN
MAHTO R/O VILLAGE- GARBHUA LALA TOLA, P.S.- CHANPATIYA
SIRISIYA (O.P.), DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43868 of 2022)

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.APP

(In CRIMINAL MISCELLANEOUS No. 44496 of 2022)

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-11-2022 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 Chanpatiya Sirisiya O.P. P.S. Case No. 117 of 2021
instituted for the offence under Sections 30(a), 30(b), 30(c) of



the Bihar Prohibition of Excise Act.

On getting secret information, police party proceeded towards bank of canal and found some persons were making illicit liquor. On seeing the police party, accused persons managed to escape and on search, 75 litres of illicit raw liquor were recovered, which were destroyed.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Petitioners have no concern with the alleged recovery or with the place of occurrence. The alleged place is an open area, which is easily accessible to public. 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.

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 petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Chanpatiya Sirisiya O.P. P.S. Case no. 117 of 2021, he will be enlarged on bail on furnishing



bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran, Bihar subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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