

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48667 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

-
1. BASHISHTH MAHTO @ CHAWANI Son of Sheobalak Mahto Resident of Ukhai Purav Patti, P.S- Sarai O.P, Dist- Siwan
 2. Manoj Mahto Son of Ramesh Mahto Resident of Ukhai Purav Patti, P.S- Sarai O.P, Dist- Siwan
 3. Sanoj Mahto Son of Ramesh Mahto Resident of Ukhai Purav Patti, P.S- Sarai O.P, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-11-2022 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 Excise P.S. Case No. 141 of 2022 instituted for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 150 litres of country made liquor, which was kept hidden from a bush, situated at the west direction of the house of petitioner no. 1. On seeing the police party, a Piaggio Auto started to run but on chase driver prem Kumar Prasad was apprehended, who



disclosed the name of the petitioners.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. The alleged place is an open area, which is easily accessible to common public. Petitioners have no concern with the alleged recovery or with the place of occurrence. The name of the petitioner has been disclosed in this case by the apprehended accused Prem Kumar Prasad before the police, which has no evidentiary value in the eye of law. 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 Excise P.S. Case no. 141 of 2022, 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 Excise



Court no. 2, Siwan subject to the conditions as laid down under
section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

