

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52068 of 2022

Arising Out of PS. Case No.-440 Year-2022 Thana- DHANARUA District- Patna

1. Shashi Bhushan Mahto @ Chhotu Kumar Son Of Laxman Mahto, Resident Of Village- Lalpur, Police Station- Rosera, District- Samastipur
2. Laltlun Kumar Son Of Jairam Mahto, Resident Of Village- Lalpur, Police Station- Rosera, District- Samastipur
3. Dipak Kumar Son Of Radhe Mahto, Resident Of Village- Lalpur, Police Station- Rosera, District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhoy Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-11-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Dhanarua P.S. Case No. 440 of 2022 lodged under Sections 30(a)/32(i)/36/41(1) of Bihar Liquor Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, total recovery of 959.25 liter wine has been made, which is the subject matter of the present case.

Learned counsel for the petitioners submits that petitioners are innocent and they have committed no offence.

Counsel further submits that petitioner no.1 is driver, petitioner no.2 is khalasi and petitioner no.3 is associate of Pick Up Van, and during raid it was found that the gate of the pick up van was closed. Counsel further submits that petitioners always used to take locked pick up van from their owner and used to deliver at the place of destination. He further submits that the antecedent of the petitioners is clean and they are in custody sine 08.08.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Dhanarua P.S. Case No. 440 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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