

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4496 of 2023

Arising Out of PS. Case No.-624 Year-2022 Thana- SITAMARHI District- Sitamarhi

1. SUDHIR MAHTO @ SUDHIR KUMAR SON OF RAJENDRA MAHTO
R/O VILLAGE- LAKSHMIPUR, P.S.- SITAMARHI, DISTRICT-
SITAMARHI
2. JAGDISH MAHTO @ JAGDISH SINGH SON OF LATE PARSADI
MAHTO @ LATE RAM PRASAD MAHTO R/O VILLAGE-
ANHARAWAN, WARD NO.07, P.S.- SITAMARHI, DISTRICT-
SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jawed Gaffar Khan

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Allegedly, the petitioners are said to have brought and
concealed the illicit wine in the south of Anarbahan pitch-road
in bamboo clump. During raid by the police, both succeeded in
fleeing away and from the said bamboo clump, altogether 255
litres of Nepali wine was recovered.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioners rather illicit wine is said to have been recovered from bamboo clump. Petitioners have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have been falsely implicated in this case at the instance of his enemy. They were not apprehended on the spot. They had not consumed liquor. There is nothing on record to indicate the complicity of the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) each in account of Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each



with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Sitamarhi P.S. Case No. 624 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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