

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18015 of 2023**

Arising Out of PS. Case No.-11 Year-2023 Thana- WARISNAGAR District- Samastipur

1. Mahesh Kumar Mahto, S/O Sunil Mahto Resident Of Village- Ward No.- 15, Hansa, P.S.- Warsihnagar, District- Samastipur (Bihar).
2. Chandradeep Mahto @ Chandradeep Kumar, S/O Sunil Mahto Resident Of Village- Ward No.- 15, Hansa, P.S.- Warsihnagar, District- Samastipur (Bihar).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh
For the Opposite Party/s : Mr. Shyam Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 10-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in
a case registered for the offences punishable under Sections 30(a),
32(2), 32(3), 41(2)(1) of the Excise Act.

The learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent and the allegation is
of recovery of 774 litre of liquor from a Mahendra pick-up van
and a motorcycle.

The learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession and they came to be
implicated based on the fact that the seized motorcycle belong to
them. The learned counsel next submits that no prudent person



would use their own vehicle for committing a crime and thus, would get implicated. It is further submitted that Mithun Kumar had taken their motorcycle and thus, the petitioners were not aware that he would misuse his vehicle in the manner as alleged and he was arrested also and he disclosed the name of the petitioners in police custody, which does not have any evidentiary value.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act-2, Samastipur in connection with Warishnagar P. S. Case No.11 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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