

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26766 of 2023**

Arising Out of PS. Case No.-293 Year-2022 Thana- MAKER District- Saran

1. UMESH MAHTO Son of Late Ram Kripal Mahto VILLAGE -JAGDISHPUR KETUKA LACHCHHI PS -MAKER DISTRICT -SARAN
2. Pintu Kumar @ Rintu Kumar @ Tinku Kumar Mahto son of Umesh Mahto VILLAGE -JAGDISHPUR KETUKA LACHCHHI PS -MAKER DISTRICT -SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      12-07-2023                      Heard learned counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Maker Police Station Case No. 293 of 2022, dated 14.12.2022, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information Report, is that the police, on secret information, recovered 140 liters of country made liquor on 14.12.2022 from the accused.

Learned Counsel for the petitioners submits that the name of the petitioners has come in the present case on the basis of disclosure made by co-villagers and from perusal of the



seizure list, it would be evident that liquor has not been recovered from the conscious possession of the petitioners or from the premises belonging to them. He next submits that the petitioners have got no criminal antecedent.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioners or from the premises belonging to them and the petitioners have got no criminal antecedent, accordingly, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Exclusive Special Excise Court, Saran at Chapra, in connection with Maker Police Station Case No. 293 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

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