

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23254 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. SUDISH MAHTO SON OF DHRUB MAHTO @ DHRUP MAHTO
Resident of Village - Mathiya Bariyarpur, P.S. - Pipra Kothi, Distt. - East
Champaran
2. DEEPAK KUMAR SON OF BHARAT MAHTO Resident of Village -
Mathiya Bariyarpur, P.S. - Pipra Kothi, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2023 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 Sections 30(a), 41(i) and 32 of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 48 liters of liquor out of which it is alleged that 15 liters were recovered from an open field of wheat of petitioner no. 2.

Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession, it is next submitted that though the field belongs to petitioner no. 2, but then it is an



open place accessible to public at large and no prudent man would keep liquor in his own field and thus would get implicated. It is next submitted that petitioners at the instance of *Chowkidar* got implicated since they are on an inimical term with him.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pipra Kothi P.S. Case No. 40 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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