

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26089 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Timan Mahto @ Nagendra Mahto S/O- Late Jodhi Mahto R/o Hasanpur, Ps Kundwa Chainpur, District East Champaran, Bihar
 2. Surendra Mahto Son of Late Jodhi Mahto R/o Hasanpur, Ps Kundwa Chainpur, District East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2023 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) and 41(i) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 40.8 litres of liquor from the cowshed of petitioner no.1 and 21.6 litres of liquor from the house of Surendra i.e. petitioner no.2.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession, it is next submitted that the cowshed is a place outside the house and is accessible to villagers at large and no prudent person would keep liquor in his own premise and thus would get implicated easily. Learned counsel further submits that house of Surendra is a joint family property and as such it cannot be alleged with certainty that it was Surendra who had kept the liquor in the house or the liquor kept in the house was within his knowledge when admittedly petitioners are persons with clean antecedent, further the petitioner no.1 is aged about 68 years and petitioner no.2 is aged about 43 years and all of a sudden they have been made a criminal.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kundwa Chainpur



P.S. Case No. 20 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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