

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32812 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- RIVILGANJ District- Saran

1. Rajesh Mahto Son Of Sahdeo Mahto @ Shadeo Mahto Resident Of Village- Jantola, P.S.- Revilganj, District- Saran At Chapra
2. Jawahir Mahto Son Of Gauri Shankar Mahto Resident Of Village- Jantola, P.S.-Revilganj, District- Saran At Chapra
3. Subhash Mahto Son Of Sahdeo Mahto @ Shadeo Mahto Resident Of Village- Jantola, P.S.- Revilganj, District- Saran At Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2023 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 Section 30(a) 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 15 litres of liquor from room of petitioner no.1, 12 litres liquor from room of petitioner no.2 and 20 litres liquor from hay house of the petitioner no.3, further 45 litres liquor was recovered from other places as detailed in the FIR.



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 alleged recoveries are from rooms which are joint family property as such it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge. It is further submitted that no prudent person would use his own premises for committing an occurrence and thus would get implicated by creating evidence against himself when admittedly the petitioners are persons with clean antecedent.

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 Revilganj P.S. Case No. 15 of 2022 subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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