

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71379 of 2023

Arising Out of PS. Case No.-205 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. RANJIT MAHTO @ RANJIT KUMAR, aged about 28 years, Gender, Male, Son of Sugriv Mahto
 2. JITENDRA MAHTO, aged about 30 years, Gender, Male, Son of Laxman Mahto
- Both are R/o vill - Gaur Bujurg, P.S. - G.B.Nagar, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Bijay Prakash Singh, learned counsel appearing on behalf of the petitioners and Mr. Pradeep Narain Kuma, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with G.B. Nagar P.S. Case No. 205 of 2021 dated 20.08.2021 registered for the offence(s) punishable under Sections 34, 30(a) (D), 36, and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 52 litres of illicit country made liquor, kept in a drum, and 500 litres of raw material used for making illicit liquor were recovered from a bamboo cluster.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners are innocent and have been falsely implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioners, rather the same has been recovered from the bamboo cluster, which is an open place and petitioners have no connection with the alleged seized liquor.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation and also the fact that recovery of illicit liquor has been made from the bamboo cluster, which is an open place and accessible to anyone, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Siwan in connection with G.B. Nagar P.S. Case No. 205 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



8. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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