

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78718 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- SAHARGHAT District- Madhubani

1. RAKESH MAHTO SON OF LATE PRABHU MAHTO RESIDENT OF VILLAGE - PIHWARA, P.S. - SAHARGHAT, DISTRICT - MADHUBANI
2. ANAND PANDEY SON OF LATE RAMHIRDYA PANDEY RESIDENT OF VILLAGE - PIHWARA, P.S. - SAHARGHAT, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Saharghat P.S. Case No.108 of 2023 registered for the offences punishable under Sections 272, 273, 34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, informant and police official got secret information that in the orchard of Ramhirday Pandey huge amount of illicit liquor was kept and petitioner nos. 1 and 2 were about to take away the said liquor from that very place by motorcycle. Police reached the place and petitioners were apprehended and total 315 litre nepali liquor



was recovered from the motorcycle and the place of occurrence.

4. Learned counsel for the petitioner submits that petitioners are in custody since 17.08.2023 and bears no criminal antecedent. He further submits that petitioners are not the owner of the orchard in question. Petitioners are not in any way concerned with the motorcycle in question. Nothing has been recovered from the conscious possession of the petitioners. Petitioners were merely passerby at the place of occurrence and have been implicated in the present case. He further submits that there is no compliance of Section 100 of Cr. P.C. Petitioners are quite innocent and have falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge Excise Act, Madhubani, District-Madhubani in connection with Saharghat P.S. Case No.108 of



2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

