

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12393 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- AMBA District- Aurangabad

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1. Mithlesh Mahto S/O Late Jaglal Mahto R/O Village- Magai Dih, P.S.- Muffasil, District- Saran (Chhapra)
 2. Hemant Mahto @ Anil Mahto S/O Late Ramnath Mahto R/O Village- Magai Dih, P.S.- Muffasil, District- Saran (Chhapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Amba P.S. Case No. 251 of 2023 (G.R. No. 1299 of 2023), instituted for the offences punishable under Sections 30(a), 32 and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 2212.5 liters liquor was recovered from truck and the petitioner was apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. No incriminating material have been recovered from the conscious



possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Both the petitioners are neither owner nor driver of the seized truck. The petitioners are in custody since 10.11.2023. Petitioner No. 1 has got one criminal antecedent and Petitioner No. 2 has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioner.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amba P.S. Case No. 251 of 2023 (G.R. No. 1299 of 2023).

(Rudra Prakash Mishra, J)

Rajorshi/-

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