

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17958 of 2024**

Arising Out of PS. Case No.-357 Year-2023 Thana- MAHARAJGANJ District- Siwan

1. Ajeet Mahto, S/O- Sakhichand Mahto R/O- Village- Purani Bazar Noniadih, P.S.- Maharajganj, Dist.- Siwan.
2. Nitesh Mahto @ Nitish Mahto, S/O- Gopal Mahto R/O- Village- Purani Bazar Noniadih, P.S.- Maharajganj, Dist.- Siwan
3. Sunil Mahto @ Sulil Mahto @ Sunil Kumar, S/O- Balkishun Mahto R/O- Village- Purani Bazar Noniadih, P.S.- Maharajganj, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 19-03-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 272 and 273 of the I.P.C. and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.2 is a person with clean antecedent, petitioner no.1 has antecedent of three cases and petitioner no.3 has antecedent of one case and the allegation is of recovery of 20 litres of liquor from a bush.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and even the alleged recovery is from a place, which is accessible to public at large and does not belong to the petitioners and they came to be implicated at the instance of local people, but then, the name of the person, who disclosed the name of the petitioners is not disclosed in the F.I.R., which cast an aspersion on the case of the prosecution.

5. Learned A.P.P. opposes the bail application.

6. 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, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge No.1, Siwan in connection with Maharajganj P. S. Case No.357 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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