

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17360 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- ISUAPUR District- Saran

1. Shankar Mahto S/o- Sudarshan Mahto,
 2. Arjun Kumar @ Arjun Mahto, son of Shankar Mahto
- Both are residents of village- Dhama, PS- Isuapur District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Isuapur P.S. Case No. 309 of 2023, registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about the petitioners keeping spirit in their *palani* (hut). A raid was conducted and recovery of 120 liters of spirit was made.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are father and son and recovery was



not made from the conscious possession of the petitioners. The petitioners have been named in this case merely on suspicion. Seizure list has not been prepared in accordance with Section 100 of Cr.P.C. The petitioners have no concern with the place from where recovery has been made. The petitioner no.1 is having criminal antecedent of three cases and the petitioner no.2 is having criminal antecedent of one case and they are on bail in all those cases.

5. Learned APP opposes the prayer for anticipatory bail submitting that the anticipatory bail is not maintainable in the facts and circumstances of the case since recovery has been made from the conscious possession of the petitioners as it was made from the *palani* (hut) of the petitioners, who fled away while raid was being conducted.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties, I do not think it is a fit case for grant of anticipatory bail to the petitioners.

7. Accordingly, their prayer for anticipatory bail is rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

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