

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24672 of 2024

Arising Out of PS. Case No.-387 Year-2023 Thana- Excise P.S. District- Samastipur

1. Ashok Kumar Mahto @ Ashok Mahto S/o Raj Kumar Mahto R/o vill - Pokhraira, ward no. 02, P.s. - Muffasil, Distt. - Samastipur
2. Anila Devi W/o Tuntun Mahto R/o vill - Pokhraira, ward no. 02, P.s. - Muffasil, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Excise Sadar P.S. Case No. 387 of 2023, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 25 liters liquor was recovered from the house of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and 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. It is



further submitted that the alleged recovery has been made from the joint house of the petitioners where other family members also reside. The petitioners are in custody since 09.02.2024 and have 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 petitioners.

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 Excise Sadar P.S. Case No. 387 of 2023.

(Rudra Prakash Mishra, J)

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