

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50857 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- BARURAJ District- Muzaffarpur

1. Suraj Mahto, Son of Sanjay Mahto
2. Dhanjay Mahto @ Dhannajay Kumar @ Dhananjay Mahto, Son of Sitaram Mahato
Both are residents of Village- Gokhula, P.S.- Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mrs.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Baruraj P.S. Case No. 40 of 2024 for the offence under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about some miscreants dealing with illicit liquor. A raid was conducted at the identified place and co-accused Ramjivan Mahto @ Langar Mahto was apprehended, who disclosed the name of the petitioners for also being involved in



the trade of illicit liquor. Recovery of 25 liters of country made *Chulai* liquor was made from the spot.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Except for suspicion and confessional statement of co-accused, there is nothing against the petitioner. No recovery has been made from the conscious possession of the petitioner and the recovery shown has been made from an open place accessible to all. In the facts and circumstances of the case, no offence under the Excise Act has been made out against the petitioners. The petitioners are having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioners and the recovery has been shown from an open place and further considering the possibility of false implication and clean antecedent of the petitioners, let the petitioners above named in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of



Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II, Muzaffarpur, in connection with Baruraj P.S. Case No. 40 of 2024, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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