

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52299 of 2024

Arising Out of PS. Case No.-628 Year-2022 Thana- MADHAURAH District- Saran

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1. Nagendra Mahto, Son of Sudarshan Mahto, Resident of Village - Patedha, P.S.- Khaira, District - Saran
 2. Rakesh Mahto, Son of Mohan Lal Mahto, Resident of Village - Patedha, P.S.- Khaira, District - Saran
 3. Satyendra Kumar, Son of Late Jata Mahto, Resident of Village - Patedha, P.S.- Khaira, District - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 28-08-2024 Learned counsel for the petitioners seeks permission to withdraw the bail application on behalf of the petitioner no. 3 and submits that petitioner no. 3 shall surrender before the Court concerned within a period of four weeks.

2. Accordingly, the present bail petition stands dismissed as withdrawn on behalf of the petitioner no. 3 as prayed for.

3. Heard learned counsel for the petitioner nos. 2 and 3 as well as learned APP for the State.

4. The petitioner nos. 2 and 3 are apprehending their arrest in connection with Marhowrah P.S. Case No. 628 of 2022,



registered for the offences punishable under Sections 30 (a), 41 (c) of the Bihar Prohibition and Excise Act, 2016.

5. As per the prosecution case, there is recovery of 30 litres of country made liquor from three gallon of plastic and 10 litres of liquor was recovered from a motorcycle.

6. Learned counsel for the petitioner nos. 1 and 2 submits that they are innocent and have falsely been implicated in this case only on the basis of suspicion. It is further submitted that petitioner nos. 1 and 2 were not present on the spot and nothing have been recovered from their conscious possession. Petitioner nos. 1 and 2 have no criminal antecedent and they undertake to cooperate in the investigation and trial of this case.

7. Learned APP opposes the prayer for anticipatory bail of the petitioners.

8. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the concerned Court where the case is pending in connection



with Marhowrah P.S. Case No. 628 of 2022, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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