

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79500 of 2024

Arising Out of PS. Case No.-215 Year-2023 Thana- MADHAURAH District- Saran

1. Nagendra Mahto Son of Late Jata Mahto Resident of Village - Patedha, P.S. - Khaira, District - Saran
2. Chanda Devi Wife of Satyendra Kumar @ Satyendra Mahto Resident of Village - Patedha, P.S. - Khaira, District - Saran
3. Vinod Mahto @ Vinod Prasad Son of Jyogendra Mahto Resident of Village - Piyarpurva, P.S. - Madhaurah, 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. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioners and Mr. Mohammad Sufyan, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Marhowrah P.S. Case No. 215 of 2023 instituted for the offence under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that from a bike, 100 liters of country made liquor was recovered. They were two persons on the bike and One Vishal Kumar was apprehended who disclosed the name of this petitioner as his associate. It is further alleged that petitioner no. 2 is owner of the said bike. Vishal



Kumar also disclosed that the said liquor was supplied by one Vinod Mahto (petitioner no. 3).

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. From perusal of the FIR, it is clear that nothing has been recovered from the possession of any of the petitioners. The name of petitioner nos. 1 and 3 has surfaced on the basis of statement of one Vishal Kumar whereas petitioner no. 2 is owner of the said bike. Petitioner nos. 2 and 3 have got no criminal antecedent.

5. Learned APP for the State has opposed the prayer of bail of the petitioners and submitted that petitioner no. 1 has one criminal antecedent.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Marhowrah P.S. Case No. 215 of 2023, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each of them with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Judge, Excise, Saran subject to the conditions as laid down under



section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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