

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78704 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- Excise Jhanjharpur District- Madhubani

1. Bharti kumari @ Laufawali @ Rinku Devi W/o Ashok Mahto R/o - Godhanpur, Ward No.15, P.S - Jhanjharpur, District - Madhubani
2. Mahesh Kumar Mahto @ Mahesh Kumar Pasi @ Mahesh Kumar S/o Shivajee Pasi @ Shivjii Mahto R/o vill - Laufa, ward no. 7, P.s. - Laukhnaur, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-11-2024 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Excise Jhanjharpur Police Station Case No. 150 of 2024, dated 13.08.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioners are indulged in selling of illicit liquor at Godhanpur Ward No. 15, reached at the place of occurrence. On seeing the the police, one woman started fleeing away and succeeded in it. Upon search, the police recovered 54 liters of Nepali liquor from kitchen and near the hand pump. The local villagers disclosed the name of the



petitioners.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is a lady and petitioner no. 2 is her brother and they have falsely been implicated in the present case due to oblique motive and village politics. The names of the petitioners have transpired on the basis of disclosure made by the local villagers. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioners. The seizure list does not disclose that illicit liquor was recovered from the kitchen and near the hand pump. The petitioners have got no criminal antecedent.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioners are having no criminal antecedent, names of the petitioners have transpired on the basis of disclosure made by local villagers, illicit liquor has not been recovered from the conscious possession of the petitioners and place of recovery has not been mentioned in the seizure list, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, Madhubani, in connection with Excise Jhanjharpur Police Station Case No. 150 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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