

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81379 of 2024

Arising Out of PS. Case No.-205 Year-2024 Thana- KHANPURA District- Samastipur

1. Santosh Kumar Mahto @ Santosh Kumar Son of Ram Prakash Mahto @ Ram Pragash Mahto @ Ram Prakash Mahto R/O Vill.- Khanpur, Ward no.5, Purvaritola, P.S.- Khanpur, Dist.- Samastipur.
2. Sarita Devi Wife of Santosh Kumar Mahto @ Santosh Kumar R/O Vill.- Khanpur, Ward no.5, Purvaritola, P.S.- Khanpur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Khanpur PS Case No. 205 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 55 litres of country made liquor was recovered from the house of the petitioner no. 1.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have



got no concern with the alleged recovery of liquor. It is submitted that recovery is made from the joint house of the petitioners where the other family members also reside. The petitioners are in custody since 18.09.2024 and have got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. 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, clean antecedent of the petitioners 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khanpur PS Case No. 205 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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