

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83097 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- MEDNI CHAUKI District- Lakhisarai

1. Gautam Mahto Son Of Nunulal Mahto R/O Village- Khawa Chandra Tola, P.S.- Mednichouki, District- Lakhisarai
2. Amir Mahto Son Of Nunulal Mahto R/O Village- Khawa Chandra Tola, P.S.- Mednichouki, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in a case registered for the offence punishable under sections 30(a) and 37 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 165 litres illicit country made liquor from the farm land of narayan Mahto and apprehended accused disclosed the name of the petitioners as his associates.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. He has no concern with the alleged recovery or with



the place of occurrence. The name of the petitioner has been disclosed in this case by the apprehended co-accused, namely, Krishnandan Mahto, before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. They are languishing in judicial custody since 30.09.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-V-cum-Special Court-2, Excise Act, Lakhisarai in connection with Mednichouki P.S. Case No. 155 of 2023.

(Sunil Kumar Panwar, J)

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