

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83891 of 2024

Arising Out of PS. Case No.-240 Year-2024 Thana- HARLAKHI District- Madhubani

1. Rajnish Mahto @ Rajnish Kumar Son of Late Ram Sewak Mahto R/o - Village-Sothgaon, P.S - Harlakhi, District - Madhubani
2. Sukho Devi Wife of Govind Sahani Resident of Village- Basopatti, P.S.- Basopatti, Distt.- Madhubani
3. Ranju Devi Wife of Budhan Sahani Resident of Village- Basopatti, P.S.- Basopatti, 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. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-12-2024 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 Harlakhi Police Station Case No. 240 of 2024, dated 11.09.2024, disclosing offence under Sections 274/275/3(5) of the Bharatiya Nyaya Sanhita and 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 the basis of secret information that the petitioners, along with other co-accused persons, are



transporting illicit liquor from Nepal, reached the place of occurrence. On seeing the police party, the accused persons threw the jute sack on the canal near orchard and started fleeing away, however, two persons, namely, Geeta Devi and Sarita Devi, were apprehended. Upon search, the police recovered 348 liters of Nepali illicit liquor from the canal.

4. Learned counsel for the petitioners submits that the petitioners are having clean antecedent and have not committed any offence in the manner alleged. The petitioners have been made accused on the basis of disclosure of their names by the arrested co-accused persons. He further submits that illicit liquor has not been recovered from the conscious possession of the petitioners, rather the same has been recovered from the canal which is open space and is accessible to all and sundry.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioners are not having any criminal antecedent and their names have been disclosed by the arrested co-accused persons and illicit liquor has not been recovered from their



possession, but from the canal which is open space and is accessible to all and sundry, 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 Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani, in connection with Harlakhi Police Station Case No. 240 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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