

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42106 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- BHUTAH I District- Sitamarhi

1. Nagendra Mahto S/O Damri Mahto Resident of Village- Janki Nagar, P.S.- Bhuthi, Dist- Sitamarhi
2. Sujit Kumar S/O Nagendra Mahto Resident of Village- Janki Nagar, P.S.- Bhuthi, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-07-2025 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 8.340 litres of foreign liquor was recovered from bamboo clump situated in front of the house of the petitioners.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and has committed no offence. No incriminating article has been recovered from conscious possession of these petitioners and they have falsely been implicated in this case merely on



suspicion. The alleged illicit liquor has been recovered from an open place, which is accessible to one and all. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of accusation, fact that no incriminating article has been recovered from conscious possession of these petitioners and clean antecedents, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court-I, Sitamarhi in connection with Bhutahi P.S. Case No. 31 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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