

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8142 of 2018

Arising Out of PS. Case No.-292 Year-2017 Thana- KADWA District- Katihar

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Mukesh Mahto @ Mukesh Kumar Kushwaha, s/o- Kailash Mahto, r/o- village
Lauhari, P.S.- Dandkhora, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. RAMCHANDRA SAHANI

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.790 liters wine
is recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The name of the petitioner has transpired on the basis
of disclosure made by the co-accused Sanjay Thakur. Except
for this, there is no other substantive evidence to suggest the
implication of the petitioner in this case. It is alleged that 1.790



liters wine is recovered from the saloon of Sanjay Thakur. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Katihar in connection with Kadwa P.S. Case No. 292 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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