

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47349 of 2018

Arising Out of PS.Case No. -208 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
JAMUI

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Baljeet Mahto, S/O Kapildeo Mahto, R/V- Aliganj Bazaar, P.S.
Chandradeep, District-Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Ranjan Singh, Advocate.

For the Opposite Party : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 02-08-2018

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that total 151.5
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 151.5 liters wine is recovered from the
house of co-accused Birendra Prasad Sao @ Birendra Prasad. The
name of the petitioner has come in the present case as the



informant claims to have identified the petitioner. The petitioner is not known to the informant nor the informant is known to the petitioner. Hence, identification made by the informant is itself doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned Additional Sessions Judge-2nd, Jamui, in connection with Case No. 208 C2/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)