

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7825 of 2018

Arising Out of PS.Case No. -74 Year- 2017 Thana -KALYANPUR District- SAMASTIPUR

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Baleshwar Mahto, Son of Late Saryug Mahto, Resident of Village
Purushottampur, Police Station- Kalyanpuri District- Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Choudhary Shyam Nandan, Advocate.

For the Opposite Party : Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2018 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 Sections 272, 273 of the IPC and 30
and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 30 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 30 liters wine is recovered from the
houses of co-accused including this petitioner. So far petitioner is



concerned, 10 liters country made liquor is said to have been recovered from his joint house where other family members also reside. The name of the petitioner has come on the basis of disclosure made by the local resident, namely, Mukesh Ram as per the F.I.R. The petitioner has been dragged in the present case due to local village politics. 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.

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-VIII-cum-Special Judge, Samastipur, in connection with Kalyanpur P.S. Case No. 74 of 2017, corresponding to G.R. No. 1287 of 2017, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

