

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7047 of 2018

Arising Out of PS. Case No.-232 Year-2017 Thana- BISFI District- Madhubani

1. Sanjiv Mahto son of Nathuni Mahto
2. Nathuni Mahto son of late Shivji Mahto
3. Leela Devi @ Shila Devi wife of Nathuni Mahto
4. Laxmi Devi wife of Sanjiv Mahto
5. Meera Devi wife of Ranjeet Mahto
6. Rakhi Kumari son of Nathuni Mahto, all resident of village Simri Barki
Pokhar, P.S. Bisfi, District Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. ATAUR RAHMAN

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 08-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 353, 272, 273 of the I.P.C. and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 14.160 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has transpired on the basis of recovery made from the joint house of the petitioner No.2 where other family members also reside. Except for this,



there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 14.160 liters wine is recovered from the joint house of petitioner No.2. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners 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 petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-cum-Special Judge, Madhubani in connection with Bisfi P.S. case No.232 of 2017 (G.R. No.623 of 2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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