

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53349 of 2018

Arising Out of PS.Case No. -159 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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Ram Swarath Mahto @ Sogarath Mahato, S/o Late Sakhichand Mahto, R/o
Vill.- Dih, Boriya, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mirityunjay Kumar, Advocate.

For the Opposite Party : Mr. Rajeev Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2018 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, 30(a)
and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1878.51
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 1878.51 liters wine is recovered. Out of
which, 956.820 liters wine is said to have been recovered from



joint house of the petitioner. The name of the petitioner has come in the present case on the basis of alleged recovery made from joint house of the petitioner where other family members also reside. 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-VIth, Samastipur or successor court, Samastipur, in connection with Bibhutipur P.S. Case No. 159/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)