

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65426 of 2018

Arising Out of PS. Case No.-119 Year-2018 Thana- KALYANPUR District- Samastipur

1. Dew Narayan Mahto, s/o- Late Bhola Mahto
2. Ramesh Mahto, s/o- Shogarath Mahto
3. Shukan Mahto @ Shukhan Mahto, s/o- Late Ganesh Mahto
4. Raj Kishore Mahto, s/o- Shiv Lal Mahto
All residents of village Madhurapur Tara, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh
For the Opposite Party/s : Smt. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the Indian Penal Code and 38, 47 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 51 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 names of the petitioners have transpired as the alleged recovery is made from the joint house of the petitioners where the 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 51 liters wine is recovered from the respective joint houses of the petitioners. 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./complaint case.

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 Additional District & Sessions Judge-VI-cum-Special Judge, Excise, Samastipur in connection with Kalyanpur P.S. Case No. 119 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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