

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20829 of 2018

Arising Out of PS. Case No.-1573 Year-2017 Thana- SASARAM MUFFSIL District- Rohtas

1. Pramod Kumar @ Pramod Mahto, S/o Ram Ekbal Mahto,
2. Jitendra Mahto S/o Sipahi Mahto, Both are R/o Village- Dahiyar,
P.S.- Sasaran (M) Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 34 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 250 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the



prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 250 liters wine is recovered by the side of the river. 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 Sessions Judge-II-cum- Special Court Excise, Rohtas in connection with Sasaram (M) P.S. Case No. 1573/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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