

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3194 of 2018

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

Kailash Mahto S/o Mangal Mahto, R/o Village- Purushotampur, P.S.-
Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

For the Opposite Party/s : Mr. PANCHANAND PANDIT

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 30 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 30 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has come on the basis of disclosure made by the informant, who is a local resident of the said village. The petitioner has been implicated in the present case due to enmity



between the petitioner and the informant. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that total 30 liters wine is recovered from the accused persons. As far petitioner is concerned, 10 liters wine is said to have been recovered from the joint house of the petitioner, where the other family members also reside. Ohter co-accused has been granted anticipatory bail vide Cr.Misc.No.48658 of 2017. 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/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 learned Additional Sessions Judge VI-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.

(Sudhir Singh, J)

Narendra/-

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