

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.29241 of 2018**

Arising Out of PS.Case No. -51 Year- 2018 Thana -ROSERA District- SAMASTIPUR

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Ganesh Mahto, S/o Late Rameshwar Mahto, R/o Ward No. 11, Gola Ghat,  
Rosera, P.S.- Rosera, District- Samastipur, Bihar.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Raja Ram Mishra, Advocate.

For the State : Mr. Jagdhar Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      10-05-2018      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 I.P.C, 47, 30(a)  
and 30(C) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 14.125  
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 14.125 liters wine is recovered from  
the abandoned hut in question. The name of the petitioner has



come on the basis of alleged recovery made from the abandoned hut of the petitioner. 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 A.D.J.-III-cum-Special Judge, Excise Act, Samastipur, in connection with Rosera P.S. Case No. 51 of 2018, G.R. No. 131/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**