

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38590 of 2018

Arising Out of PS.Case No. -108 Year- 2018 Thana -SARAIYA District- MUZAFFARPUR

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Manoj Mahto @ Manoj Kumar, S/o Rajendra Mahto, R/o Vill.- Manikpur,
P.S.- Saraiya, District- Muzaffarpur.

2. Ramdeo Mahto S/o Late Ramatan Mahto, R/o Vill.- Bishunpura, P.S.-
Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2018 Learned counsel for the petitioners seeks permission to

withdraw this application in respect of petitioner No. 1, namely,

Manoj Mahto @ Manoj Kumar.

Accordingly, this application in respect of petitioner No.

1, namely, Manoj Mahto @ Manoj Kumar is dismissed as

withdrawn.

Heard learned counsel for the petitioner No. 2 and

learned APP for the State.

The petitioner No. 2 is apprehending his arrest in a case

registered under Sections 279, 414, and 34 of the Indian Penal

Code and Sections-38 & 41(i) of the Bihar Prohibition and Excise

Act, 2016.



The prosecution case, in short, is that 77.76 litres 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 transpired on the basis of disclosure made by the local residents. The name of local residents, who have named the petitioner, has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 77.76 liters wine is recovered from the car in question. The car in question, does not belong to the petitioner. 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 Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 108 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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