

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32257 of 2018

Arising Out of PS.Case No. -57 Year- 2018 Thana -SIDHWALIA District- GOPALGANJ

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1. Harendra Prasad @ Harendra Mahto, S/o Chirkut Mahto,
 2. Bhamt Giri @ Bharat Bhartiya, S/o Ishwar Giri,
 3. Ramayan Bharti @ Ramayan Bhartiya, S/o Ishwar Bharti, All resident of Village- Jalalpur, P.S.- Sidhwalia, District- Gopalganj.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shyama Kant Singh, Advocate.

For the Opposite Party : Mr. Md. Anzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-07-2018 Vide order dated 13.06.2018, prayer for anticipatory bail application of petitioner no. 1 Harendra Prasad @ Harendra Mahto and petitioner no. 2 Bhamt Giri @ Bharat Bhartiya has become infructuous as they have been arrested during the pendency of the application, in connection with Sidhwalia P.S. Case No. 57 of 2018, pending in the court of learned A.D.J.-II-cum-Special Judge, Excise, Gopalganj.

Heard learned counsel for the petitioner no. 3 and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



The prosecution story, in brief, is that total 18.540 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 18.540 liters wine is recovered from the car in question. The car in question does not belong to the petitioner. The name of the petitioner has come on the basis of disclosure made by co-accused, namely Bipin Kumar Bharti. 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 no. 3 Ramayan Bharti @ Ramayan Bhartiya, 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.-II-cum-Special Judge, Excise, Gopalganj, in connection with Sidhwalia P.S. Case No.57 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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