

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

**Criminal Miscellaneous No.41876 of 2018**

Arising Out of PS.Case No. -55 Year- 2018 Thana -WARSALIGANJ District- NAWADA

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Pappu Mahto, son of Janardan Prasad, resident of Village- Bahera, P.S. Warisaliganj, District Nawada.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Pramod Kumar Verma, Advocate.

For the Opposite Party : Mr. Binod Kumar, A.P.P.

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

**ORAL ORDER**

2      17-07-2018      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 30(a) (c)(d) of the Bihar Prohibition and Excise Act, 2016 and 272 and 273 of the I.P.C.

The prosecution story, in brief, is that total 476 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 476 liters wine is recovered. Out of which, 66 liters wine is said to have been recovered from abandoned cattle shed of the petitioner. The name of the petitioner



has come on the basis of alleged recovery which has been made from abandoned cattle shed 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. IInd-cum-Special Judge, Nawada, in connection with Warisaliganj P.S. Case No. 55 of 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)**