

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42341 of 2018

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Sanjay Mahto, S/o Late Visundev Mahto, Resident of Village- Basopatti
Babhandai Chowk BundelKhand Ward No. 14, P.S.- Basopatti, District-
Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Section 272, 273 of the Indian Penal Code and
30(a) 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 secret information as per
F.I.R. The source and genuineness of the secret information 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 out of total 30 liters wine, 9.9 litres is recovered from the abandoned shop of 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 2nd Additional Sessions Judge- Excise Act, Madhubani in connection with Basopatti P.S. Case No. 98 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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