

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72697 of 2018

Arising Out of PS. Case No.-154 Year-2018 Thana- MOHAMMADPUR District- Gopalganj

Pawan Kumar Mahto @ Pawan Mahto @ Pawan Kumar, s/o- Sattan Mahto,
r/o- village Pipra, P.S.- Baikunthpr, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a), 33, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1540 liters crude spirit is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the pick up van in question belongs to the petitioner. The same is run as public carrier by the driver of the petitioner. The petitioner had no knowledge regarding the nature of goods booked by the transporter. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1540 liters crude spirit is recovered from the pick up van in question. 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/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 -cum- Special Judge, Gopalganj in connection with Mahammadpur P.S. Case No. 154 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

