

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53440 of 2018

Arising Out of PS.Case No. -372 Year- 2017 Thana -CHAPRA TOWN District- SARAN

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Santosh Mahto, Son of Sheo Nath Mahto, Resident of Village- Rupganj
Kinara, Newaji Tola, P.S.- Chhapra Town, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section-30(A) of the Bihar Amended Excise Act, 2016.

The prosecution case, in short, is that 40 liters Mahua wine 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 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 40 liters Mahua wine is recovered from the bank of the river. 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 Vith A.D.J. Saran at Chapra in connection with Chapra Town P.S. Case No. 372 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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