

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16349 of 2018

Arising Out of PS. Case No.-192 Year-2017 Thana- BITHAN BAZAR District- Samastipur

Ashok Mahto, Son of Late Radha Raman Mahto, Resident of Village- Telani,
P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. SHANTANU KUMAR

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Sections 30(A) and 38(I) (II) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3.165 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 transpired as the alleged recovery is made from the back of the house of the petitioner by the side of hand pump. Except for this, there is no



other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 3.165 liters wine is recovered by the side of the hand pump. 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 Additional Sessions Judge-Vith-cum- Special Judge, Excise, Samastipur in connection with Bithan P.S. Case No. 192/2017 (corresponding to G.R. Case No. 3632/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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