

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52754 of 2018**

Arising Out of PS. Case No.-130 Year-2018 Thana- SARAI District- Vaishali

Baiju Mahto S/o Shambhu Mahto, R/o Vill.- Pakari Kanth, P.S.- Lalganj,  
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manish Chandra Gandhi  
For the Opposite Party/s : Mr. Si Ram Bachan Singh

**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 Sections 414/34 of the I.P.C. and Sections 30(a), 45(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3720.960 liters 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 disclosure of co-accused Tunna Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 3720.960 liters wine is recovered from the truck and car. None of the vehicles in question belongs



to 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 Addl. Sessions Judge II-cum-Special Judge, Vaishali at Hajipur in connection with Sarai P.S. case No.130 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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