

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.47571 of 2018**

Arising Out of PS.Case No. -101 Year- 2018 Thana -BHELDI District- SARAN

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Babu Saheb Mahto @ Babu Sah, S/o Ranjeet Mahto, resident of Village Kishonpur, P.S.- Bheldi, Dist.- Saran (Bihar).

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Prabhakar Singh, Advocate.

For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      03-08-2018      Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 188, 272, 273 of the IPC, 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 50 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 50 liters wine is recovered from the *Banswari* in question. The *Banswari* in question does not belong to the petitioner. The name



of the petitioner has come on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents, who have named the petitioner, 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. 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 or 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 the learned Additional Sessions Judge-VI, Saran, in connection with Bheldi P.S. Case No. 101/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**