

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54248 of 2018

Arising Out of PS. Case No.-100 Year-2018 Thana- SARAI RANJAN District- Samastipur

Randhir Kumar Mahto @ Randhir Mahto @ Randhir Kumar, S/o Bindeshwar Mahto @ Ram Prit Mahto, R/o Vill.- Barbatta, P.S.- Musarigharari, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Singh, Advocate.
For the Opposite Party : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-12-2018 This matter has come up under the heading 'To Be Mentioned' at the instance of learned counsel for the petitioner.

This matter was listed on 25.10.2018 under the heading 'For Admission-III' at Sl. No. 5 but due to inadvertent mistake, order has been passed in Cr. Misc. No. 55248 of 2018 in place of Cr. Misc. No. 54248 of 2018. Hence, the order dated 25.10.2018 passed in Cr. Misc. No. 55248 of 2018 is recalled. Now fresh and correct order is being passed in both the cases.

“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 272, 273/34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.



The prosecution story, in brief, is that total 225 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 225 liters wine is recovered from two different vehicles. None of the vehicles in question belongs to the petitioner. The name of the petitioner has come in the present case on the basis of disclosure made by Manoj Kumar Sahni, driver of Mahindra KUV Car. 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-6th-cum-Special Judge, Excise Act, Samastipur, in connection with Sarairanjan P.S. Case No. 100 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.”

(Sudhir Singh, J)

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