

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63663 of 2018

Arising Out of PS.Case No. -407 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. BALISTAR MAHTO @ BALISTER MAHATO Son of Late Manai
Mahto Resident of Village-Sareya, Ward No.1, Police Station-Gopalganj,
Distt.-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Shanker Prasad

For the Opposite Party/s : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Sections 147, 148, 149, 353, 307, 308, 420 of the Indian Penal
Code, 27 of the Arms Act and Sections-30(A), 41(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2737 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 in course of investigation in confessional
statement of co-accused, namely, Ranjan Kumar. Except for this, there
is no other substantive evidence to suggest the implication of the



petitioner in this case. It is alleged that 2737 liters wine is recovered from the truck in question. The truck in question does not belong 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. The other similarly situated co-accused namely, Arun Kumar and Pappu Kumar have been granted anticipatory bail by this Court vide order dated 14-12-2017 passed in Cr. Misc. No. 60718 of 2017.

On behalf of the State, it is submitted that the petitioner is not 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Gopalganj in connection with Gopalganj P.S. Case No. 407 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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