

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11852 of 2021**

Arising Out of PS. Case No.-303 Year-2020 Thana- MADHUBANI TOWN District-
Madhubani

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BIRJU MAHTO @ BIRAJU MAHATO, aged about 40 years, Gender-Male,
Son of Late Surya Narayan Mahto, Resident of Bhoara, Ward No. 25, Naka
Chowk, P.S. - Madhubani Town, District - Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ravindra Kumar Singh, Advocate.
For the Opposite Party : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-05-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
counsel for the State through virtual mode.

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

The prosecution story, in brief, is that total 6.600 liters
wine is said to have been recovered from the open field
belonging to Anil Sinha and Sanjay Sinha.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. He



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 6.600 liters wine is recovered from the open field belonging to Anil Sinha and Sanjay Sinha. The name of the petitioner has transpired in the present case on the basis of secret information. The source and genuineness of secret information 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 of the case and also the lockdown, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Madhubani Town P.S. Case No. 303 of 2020, corresponding to G.R. No. 1648 of 2020,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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