

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26189 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- PAROO District- Muzaffarpur

Umesh Kumar Mahto @ Umesh Mahto S/O Late Lakshman Mahto R/O
Village-Paroo Majhauriya South Tola, P.S-Paroo, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks after restoration of normalcy.

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

The prosecution case, in short, is that altogether 9
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 as being



owner of the motorcycle in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 4 liters wine is recovered from the motorcycle in question and 5 liters wine is recovered from the house of co-accused. The motorcycle in question was given to co-villager for his personal use. 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 and also the lockdown, the petitioner, above named, in the event of arrest/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 learned Special Judge, Excise Act, Muzaffarpur in connection with Paroo P.S. Case No. 60/2020, corresponding to G.R. No. 182 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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