

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35348 of 2021**

Arising Out of PS. Case No.-251 Year-2020 Thana- RIGA District- Sitamarhi

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LAL BABU MAHTO SON OF RAMCHANDRA MAHTO Resident of  
Village - Narsama, P.S.- Riga, Distt.- Sjitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

2      29-09-2021                      Heard learned counsel for the petitioner and learned APP  
for the State.

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

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

The prosecution case, in short, is that 18.9 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 the recovery is made from the joint  
house of the petitioner where other family members also reside.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 18.9 liters wine is recovered from the joint house of 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.

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/surrender before the learned court below within a period of twelve 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 A.D.J.-II-cum- Special Judge, Excise Act, Sitamarhi in connection with Riga P.S. Case No. 251 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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