

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38423 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- PAHARPUR District- East Champaran

1. PRAKASH MAHTO @ PRAKASH KUMAR S/O RAJKUMAR MAHTO R/O VILLAGE-SARIYA VRITI DHAGAD TOLI, P.S-PAHADPUR, DISTRICT-EAST CHAMPARAN.
2. RAMU MAHTO S/O GULAB MAHTO R/O VILLAGE-SARIYA VRITI DHAGAD TOLI, P.S-PAHADPUR, DISTRICT-EAST CHAMPARAN.
3. SEEMA DEVI W/O KANHAIYA MAHTO R/O VILLAGE-SARIYA VRITI DHAGAD TOLI, P.S-PAHADPUR, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely, Prakash Mahto @ Prakash Kumar as during pendency of this application, he has been taken into judicial custody.

Permission is granted.



Accordingly, this application filed with regard to petitioner No. 1 namely, Prakash Mahto @ Prakash Prakash Kumar is dismissed as withdrawn.

Petitioners Nos. 2 & 3 are apprehending their arrest in Paharpur P.S. Case No. 29 of 2021/Cr. Case (S) 751 of 2021 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 25 liters wine is recovered.

It has been submitted on behalf of the petitioner Nos. 2 & 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged that 15 litres, 5 litres and 5 litres wine is recovered from joint houses of petitioner Nos. 1, 2 & 3 respectively. The petitioner No. 3 is a lady. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners 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 Nos. 2 & 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances



of the case, let the petitioner Nos. 2 & 3 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) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Motihari, East Champaran in connection with Paharpur P.S. Case No. 29 of 2021/Cr. Case (S) 751 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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