

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33242 of 2020

Arising Out of PS. Case No.-29 Year-2020 Thana- SANGRAMPUR District- East
Champaran

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JITENDRA MAHTO, Male, aged about 30 years, S/o Laji Mahto, R/o
village- Sangrampur, P.S. Sangrampur, District- East Champaran, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Avinash Kumar Singh
For the Opposite Party : Mr. A.G

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2021 Learned counsel for the petitioner is directed to

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

of four weeks.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 272, 273 of the I.P.C.,
30(a), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 21 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged



against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 21 liters wine is recovered. Out of which, total 07 liters is said to have been recovered from abandoned *Bhatti* of the petitioner. The name of the petitioner has transpired in the present case as the alleged recovery is said to have been made from the abandoned *Bhatti* of the petitioner. 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.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, in the event of arrest or 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Motihari at East Champaran, in connection with Sangrampur P.S. Case No. 29 of 2020,



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

(Sudhir Singh, J)

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