

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48419 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- GAUTAMBUDHNAGAR District- Siwan

1. DHARMENDRA MAHTO @ DHARMEDNRA KUMAR Son of Late Bahadur Mahto Resident of Village- Gaur Bujurg, P.S.- Gautam Budha Nagar, District- Siwan.
2. Rakesh Kumar Son of Munni Mahto Resident of Village- Gaur Bujurg, P.S.- Gautam Budha Nagar, District- Siwan.
3. Amrendra Mahto @ Amrendra Kumar Prasad Son of Late Rajendra Mahto Resident of Village- Gaur Bujurg, P.S.- Gautam Budha Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamala Kant Tiwary

For the Opposite Party/s : Mr.Kanhaiya Kishore (App100)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-11-2021 Heard learned counsel for the petitioners and the State.

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

The petitioners are apprehending their arrest in G. B. Nagar P.S. Case No. 77 of 2021 registered for the offence under Sections-30(a), 34, 36, 38 & 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 242 liters wine is recovered.

It has been submitted on behalf of the petitioners that



the petitioners 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 242 litres wine is recovered from the bamboo orchard situated behind a school. The name of the petitioner has transpired in this case on the basis of disclosure made by local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case. 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 petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners 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 District Judge-cum-Special Judge, Siwan in connection with G. B. Nagar P.S. Case No. 77 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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