

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37058 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- NAYAGAON District- Saran

1. Raj Ballav Mahto @ Raj Balan Mahto @ Raj Valam Mahto, Male, aged about 50 years, son of Sipahi Mahto, Resident of Vill. Shobhapur, PS Nayagaon, District-Saran.
2. Jitendra Mahto, Male, aged about 25 years, son of Raj Ballav Mahto @ Raj Balan Mahto @ Raj Valam Mahto, Resident of Vill. Shobhapur, PS Nayagaon, District -Saran.
3. Chhotayee Mahto, Male, aged about 19 years, son of Raj Ballav Mahto @ Raj Balan Mahto @ Raj Valam Mahto, Resident of Vill. Shobhapur, PS Nayagaon, District- Saran.
4. Kariman Mahto @ Dharmendra Mahto, Male, aged about 30 years, son of Raj Ballav Mahto @ Raj Balan Mahto @ Raj Valam Mahto, Resident of Vill. Shobhapur, PS Nayagaon, District-Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dr. Rajesh Kumar Singh, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-04-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 30, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 205 liters



wine is said to have been recovered from the orchard and boat in question.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 205 liters wine is recovered from the orchard and boat in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this 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./Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-



Special Judge, Excise, Saran at Chapra, in connection with
Nayagaon P.S. Case No. 37 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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