

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55689 of 2021

Arising Out of PS. Case No.-221 Year-2021 Thana- DARAUNDA District- Siwan

1. KAMLESH MAHTO Son of Shiv Shankar Mahto Resident of Village - Abhui Bazar, P.S. - Daraunda, District - Siwan.
2. Jitendra Mahto Son of Shiv Shankar Mahto Resident of Village - Abhui Bazar, P.S. - Daraunda, District - Siwan.
3. Ranjan Mahto @ Ranjan Kumar Son of Sadhu Mahto Resident of Village - Chand Parsa, P.S. - M.H. Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-12-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

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 connection with Daraunda P.S. case No.221 of 2021 registered under Sections 272, 273 of I.P.C. and Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 62.400 liters wine is recovered.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on the basis of disclosure made by the local Chaukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 62.400 liters wine is recovered from the motorcycle. The petitioners are not the owners of the motorcycle in question. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional



District and Sessions Judge-cum-Special Judge, Excise, Siwan
in connection with Daraunda P.S. case No.221 of 2021, subject
to the conditions as laid down under Section 438(2) of the Code
of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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