

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13918 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. RAVI MAHTO S/o Kishori Mahto R/o Mohalla- Rohelaganj, P.S.- L.N.M.U., District- Darbhanga
 2. Vishnu Dev Mahto @ Vishnu Mahto S/o Nandlal Mahto R/o Mohalla- Rohelaganj, P.S.- L.N.M.U., District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-05-2021 Heard learned counsel for the petitioners and the
State through virtual mode.

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

Permission is granted.

Accordingly, this application with regard to petitioner No. 1 is dismissed as withdrawn.

The petitioner No. 2 is apprehending his arrest in a case registered under Sections-272 & 273/34 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act,



2016.

The prosecution case, in short, is that 15.93 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. He has been falsely implicated in the present case. His name has transpired in this case on the basis of disclosure made by the local residents. It is alleged that out of 15.93 liters wine is recovered from a bush in an abandoned state. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 2. The petitioner No. 2 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 No. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner No. 2, 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 his personal bond to the satisfaction of learned Special Judge, Excise Act, Darbhabga in connection with G.O. Case No. 1013 of 2020/LNMU P.S. Case



No. 259 of 2020, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 2
shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand)
with two sureties of the like amount each within a period of
eight weeks to the satisfaction of the court concerned in
connection with the aforesaid case.

(Sudhir Singh, J)

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