

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65960 of 2021

Arising Out of PS. Case No.-562 Year-2021 Thana- PHULWARISHARIF District- Patna

SURENDRA MAHTO S/o Dharichan Mahto Resident of Mohalla- Kumhar
Toli, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

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

The petitioner is apprehending his arrest in connection
with Phulwarisharif P.S. Case No. 562 of 2021 registered for the
offence under Sections-30(a)/36/41/51 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 3472.23 liters wine is
recovered.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has been falsely implicated in the present
case. It is alleged that out of 3472.23 litres, 27 litres wine is



recovered from scooty, 3385.23 litres wine is recovered from a house and 60 litres wine is recovered from another house. None of the houses belongs to the petitioner. The petitioner is alleged to be owner of the scooty, in question. The said scooty was given by the petitioner to his co-villager for his personal use. 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, let the petitioner, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Phulwarisharif P.S. Case No. 562 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

