

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8438 of 2022**

Arising Out of PS. Case No.-69 Year-2021 Thana- KORMA District- Sheikhpura

Rahul Kumar Son Of Sadhu Mahto @ Rajendra Mahto R/O Village-  
Murarpur, P.S.- Korma, Dist.- Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      25-02-2022      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 four  
weeks.

The petitioner is apprehending his arrest in connection  
with Excise Case No. 363 of 2021 arising out of Korma P.S. Case  
No. 69 of 2021 registered for the offence under Sections-  
30(a)/32/41 of the Bihar Prohibition and Excise (Amendment) Act,  
2018.

The prosecution case, in short, is that 75.480 liters wine is  
recovered.

It has been submitted on behalf of the petitioner that the  
petitioner has got no criminal antecedent. 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



75.480 litres wine is recovered from the husk house of co-accused. The name of the petitioner has transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sheikhpura in connection with Excise Case No. 363 of 2021 arising out of Korma P.S. Case No. 69 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.//-

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