

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21988 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Umesh Mahto, age-31 years, Male, Son Of Nevi Mahto, R/O Village-
Damodarpur Ward No.-8, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar No.1, Advocate
For the Opposite Party : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-05-2022 Heard learned counsel for the petitioner and learned
counsel for the State through Virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Bibhutipur P.S. Case No. 40/2022 for the offence registered
under Sections 30(a), 32(ii)(iii), 36, 41(i)(ii) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2525.400
liters wine is recovered from three different vehicles.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. He
has falsely been implicated in the present case. There is no



allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 2525.400 liters wine is recovered from three different vehicles. The petitioner is alleged to be the owner of one of the vehicles bearing Registration No. BR09M-8348 from which 837 liters wine is recovered. The said vehicle is run as a public carrier. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the nature of goods kept in the vehicle in question. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022(Sweta Kumari-Versus-State of Bihar).

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner 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 the learned Special Court Excise-1 Samastipur, in connection with Bibhutipur P.S. Case No. 40/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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