

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12949 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- DHANARUA District- Patna

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LAL BABU MAHTO, aged about 24 years, Male, Son of Upendra Mahto,
Resident of Village- Lalpur, Ward No.-5, Muradpur, P.S.- Rosra, District-
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raja Ram Mishra, Advocate
For the Opposite Party : Mrs. Pushpa Sinha.1, A.P.P>

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Dhanarua P.S. Case No. 440 of 2022 for
the offence registered under Sections 30(a), 32(i), 36 and
41(i) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The prosecution story, in brief, is that total
959.250 liters wine is said to have been recovered from the
Bolero Pick-up Van in question.

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 959.250 liters wine is recovered from the Bolero Pick-up Van in question. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of seized Bolero Pick-up Van in question. The petitioner is alleged to be the owner of the said vehicle. The said vehicle is run as a public transport. The petitioner had no knowledge regarding the goods booked by the transporter. 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. 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, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The 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, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna having Special Case No. 4668 of 2022, in connection with Dhanarua P.S. Case No. 440 of 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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