

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12841 of 2023

Arising Out of PS. Case No.-366 Year-2021 Thana- VAISHALI District- Vaishali

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PANCHAN MAHATO Son of Bindeshwar Mahto Resident of Village -
Bhawprasad, P.S.- Dumra, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273, 414 of the Indian Penal Code and sections 30(a), 32(ii), 34(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 373.81 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. It is alleged that 373.81 liters wine is recovered from five different vehicles. The name of the petitioner has transpired as being owner of one of the vehicles in question. The said vehicle was sold by the petitioner vide Annexue-2 to the present application prior to the alleged date of



occurrence. None of the vehicles in question belongs to the petitioner. 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 alleged incident. 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, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 2, Vaishali at Hajipur in connection with Vaishali P.S. case No. 366/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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