

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12599 of 2023

Arising Out of PS. Case No.-317 Year-2022 Thana- KAMTAUL District- Darbhanga

1. Mukesh Sahni, aged about 31 years (Male), S/o Asharfi Sahni, R/o Village-Mohammadpur, P.S.- Kamtaul, Distt- Darbhanga.
2. Ranjit Mahto, aged about 38 years (Male), S/o Kedar Mahto, R/o Village-Mohammadpur, P.S.- Kamtaul, Distt- Darbhanga.
3. Raja Sahni, aged about 23 years (Male), S/o Raj Kumar Sahni, R/o Village-Karkauli, P.S.- Sadar (Mabbi O.P.), Distt- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Iqbal Asif Niazi, Advocate
For the Opposite Party	:	Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of the petitioner no. 2, namely, Ranjit Mahto, as he has been taken into judicial custody in connection with Kamtaul P.S. Case No. 317 of 2022, pending in the court of learned Exclusive Special Judge-1, (Excise Act), Darbhanga.

Permission is accorded.

Accordingly, the present anticipatory bail



application filed on behalf of petitioner no. 2, namely, Ranjit Mahto, is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1 and 3 and learned A.P.P. for the State.

The petitioner nos. 1 and 3 are apprehending their arrest in connection with Kamtaul P.S. Case No. 317 of 2022 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 337.8 liters wine is said to have been recovered from the pond in question.

It has been submitted by learned counsel for the petitioner nos. 1 and 3 that they have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. It is alleged that total 337.8 liters wine is recovered from the pond in question. The pond in question does not belong to them. They are named in the F.I.R. Their names have transpired in the present case on the basis of disclosure made by the local Choukidar. Except for this, there is no other substantive evidence to suggest their



implication in this case. Nothing incriminating has been recovered from their conscious possession. They had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner nos. 1 and 3 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 nos. 1 and 3 are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner nos 1 and 3, namely, Mukesh Sahni and Raja Sahni (except petitioner no. 2, Ranjit Mahto), 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-1 (Excise Act), Darbhanga, in connection



with Kamtaul P.S. Case No. 317 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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