

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23634 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- MAHARAJGANJ District- Siwan

1. Vijay Mahto Son Of Late Laxman Mahto R/O Village- Purani Bazar Noniadih, P.S.- Maharagjganj, District- Siwan
2. Prakash Mahto Son Of Late Munna Mahto @ Munna Kumar Mahto R/O Village- Purani Bazar Noniadih, P.S.- Maharagjganj, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections-272, 273 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 30 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication



of the petitioners in this case. It is alleged that 30 liters wine is recovered from the bush in an abandoned state. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioners has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Maharajganj P.S. Case No. 58 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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