

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43616 of 2017

Arising Out of PS. Case No.-17 Year-2017 Thana- KALUAHI District- Madhubani

Gopal Mahaseth Son of Sri Mahendra Mahaseth, R/o Kamala Road, Ward No. 7, Jaynagar, P.S.- Jaynagar, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-09-2017 Heard Sri Abhay Shankar Singh, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Kaluahi P.S. Case No.17/2017 registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail, in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that nothing was recovered from the conscious possession of the petitioner, rather in the present case, the petitioner has been made accused on the basis of confessional statement of co-accused, who was driver of a Xylo vehicle , from which huge quantity of Indian Make Foreign liquor was recovered. It has been argued that the petitioner was not owner of the vehicle,



rather the owner of the vehicle was someone else. Learned counsel for the petitioner has drawn my attention to the statement made in paragraph-3 of the petition to show that the petitioner is having clean antecedent.

Considering the nature of accusation, clean antecedent, the petitioner being not owner of the vehicle as well as the fact that the petitioner's name has come on the basis of confessional statement of one of the co-accused, let the petitioner, namely, Gopal Mahaseth, in the event of his arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Addl. Sessions Judge-cum- Special Court(Excise), Madhubani in connection with Kaluahi P.S. Case no.17/2017, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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