

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29158 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- BARAULI District- Gopalganj

1. PRABHAT KUMAR @ PRABHAT MAHTO Son of Late Binod Mahto Resident of Village - Pipara, Police station - Barauli (Madhopur O.P.), District - Gopalganj.
2. Prince Kumar S/o Late Shiv Kumar Mahto Resident of Village - Pipara, Police station - Barauli (Madhopur O.P.), District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Opposite Party/s : Mr. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-12-2021 Heard learned counsel for petitioner no.2 and learned
APP for the State.

Petitioner No.2 apprehends his arrest in Barauli (Madhopur O.P.) P.S. Case No.01 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for petitioner no.2 submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that there is no recovery from the conscious possession of the petitioner rather 600 litres of raw spirit has been recovered from the field of Mohan Singh and Mohan Singh has not been made accused in the present



case. It is submitted that the Chowkidar and villagers disclosed that the seized spirit belongs to the petitioner. The petitioner has got no criminal antecedent as stated in para 3 of the bail petition.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner no.2.

Petitioner is agreed to deposit a sum of Rs.30,000/- (rupees thirty thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFS Code PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

In the facts and circumstances of the case, let petitioner no.2, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned IInd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Barauli (Madhopur O.P.) P.S. Case No.01 of 2021, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.



(2) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.30,000/- (rupees thirty thousand) in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J.)

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