

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8821 of 2021**

Arising Out of PS. Case No.-276 Year-2020 Thana- LAUKAHA District- Madhubani

Gopi Mahto S/o Chatur Lal Mahto, R/o Village Balanpatti, P.S. Laukaha,
District Madhubani

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-05-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Laukaha P.S. Case No. 276/2020
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
the prosecution story, the sub-inspector of police of Laukaha
P.S. got a secret information regarding transportation of illegal
Nepali wine from Nepal. On receiving such information, he



along with other police personnel reached at Pillar No.245 of India-Nepal boarder where he saw that three persons were coming from Nepal carrying some articles on their head. The police personnel asked them to stop for checking but they tried to flee. It is further alleged that on chase they were apprehended and in course of search 22.500 liters of Nepal liquor was recovered from possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that there is no recovery from conscious possession of the petitioner. It is submitted that prior to the present case the petitioner had no criminal antecedent and he has remained in jail in connection with the present case since 22.09.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the First Information Report that 22.500 liters of Nepali wine have been allegedly recovered from possession of the petitioner, the petitioner has remained in jail in connection with the present case since 22.09.2020, investigation against him is complete and prior to the present case he had no



criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani in connection with Laukaha P.S. Case No.276/2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

