

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57778 of 2022

Arising Out of PS. Case No.-870 Year-2021 Thana- SHERGHATI District- Gaya

MAHENDRA PRASAD @ MAHENDRA PRASAD GUPTA SON OF LATE
NATHUNI SAH R/O MOHALLA- SHYAM NAGAR, BIKRAMGANJ, P.S.-
BIRKAMGANJ, DISTT.- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-11-2022 Heard the parties through virtual court proceedings.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 272, 273, 34 of IPC and 30(a) 32(2), 33, 36, 31(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 168 liters of spirit is said to have been recovered from a bolero pick up van. One person was apprehended on the spot and he disclosed that the accused persons including the petitioner used to manufacture illicit liquor.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at



the instance of his enemies. His name transpired in this case on the basis of statement of apprehended person. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The petitioner is neither the owner nor the driver of the said pick up van. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.75,000.00/- (Rupees Seventy Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Sherghati P.S. Case No.870 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C,



as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.75,000.00/- (Rupees Seventy Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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