

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43364 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- BASOPATTI District- Madhubani

Ramashish Birju Mahto @Ramashish Mahto, Son Of Late Briju Mahto
Resident Of Village- Basopatti, P.S.- Basopatti, Distt- Madhubani

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah,Advocate.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Basopatti P.S. Case No. 147 of 2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a) Bihar Prohibition and Excise Act. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the allegation against the petitioner is that on 10.07.2022 at about 11:00 A.M. the informant got secret information and he along with his police team reached at India-Nepal border at pillar no. 276/05. He found that one person was bringing some goods in *bori* on a motorcycle. When search was made, 240 bottles each containing 300 ml Nepal-made liquor was found and the



motorcycle was taken into custody along with the
aforementioned quantity of wine.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. It is submitted that the petitioner has been made accused
only because he is the owner of the seized vehicle. It is further
submitted that no independent witness has signed the seizure
list.

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

6. Having regard to the submission that the petitioner
has been made accused being the owner of the vehicle, no
independent witness has signed the seizure list and this
petitioner has otherwise no criminal antecedent, this Court
directs that in case of his arrest or surrender within a period of
four weeks from today, the petitioner above named be released
on bail in connection with Basopatti P.S. Case No. 147 of 2022
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 2nd Addl. Sessions Judge cum Special
Judge Excise Act, Madhubani, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.



7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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