

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51766 of 2023

Arising Out of PS. Case No.-485 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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ANIRUDH MAHTO Son of Jae Mahto RESIDENT OF VILLAGE
KHAWAJEPUR, P.S. JADOPUR, DISTRICT GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Diksha Kumari, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard Ms. Diksha Kumari, learned Counsel for the

petitioner and learned APP for the State.

The petitioner is an accused in connection with
Gopalganj P.S. Case No. 485 of 2023 registered for the offences
under sections 30(a) and 41(i) of the Bihar Prohibition and
Excise Act lodged on 22.06.2023 by the informant, Ashutosh
Ranjan.

As per the prosecution story, the police reached near
the bank of the river, saw a boat, however, the sailor jumped
into the river and escaped. The petitioner present there on a
motorcycle was apprehended and from the boat, 204.75 litres of
foreign liquor was recovered/seized followed by the FIR, the
arrest.



Ms. Diksha Kumari, learned Counsel for the petitioner submits that admittedly, the recovery/seizure is from the boat and the petitioner who was standing near his motorcycle has been apprehended. There is no recovery from the motorcycle. Her last submission is that he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he was the master-mind.

Taking into account that he is in custody since 24.06.2023 (as stated in paragraph 16 of the bail application), do not have criminal antecedent, the alleged recovery is from the boat, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District & Sessions Judge-II cum Exclusive Special Excise Court No. 1, Gopalganj in connection with Gopalganj P.S. Case No. 485 of 2023, subject to the following conditions:-

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

Before parting, the Court would like to put on record its word of appreciation for Ms. Diksha Kumari, learned counsel for the petitioner for proper assistance rendered in the matter.

(Rajiv Roy, J)

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