

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74720 of 2023

Arising Out of PS. Case No.-384 Year-2023 Thana- Excise P.S. District- Begusarai

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Ram Gyan Mahto, Son Of Late Bishun Dev Mahto, Resident Of Village
Mubarkpur Fuljari, P.S. -BIRPUR, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Begusarai Excise P.S. Case No.384/2023, lodged on 28.08.2023
under Sections 30(a) & 32(3) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per the prosecution case, recovery of total of
201.600 liters of cough syrup containing codeine is the subject
of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is the driver of the said vehicle from which the
alleged recovery has been made. The said material does not
belong to him rather it was the purchased material of Prem Meal



Agency, Baa Bazar Barauni from M/s Farama, Kasai Tola, Sabzibagh Bihari Sao Lane, Patna. The petitioner was transporting the said medicine on the instruction of Bhawani Tribhuvan Private Limited, Patna Transport Agency, but in the meantime, the police apprehended him only on the basis of suspicion. Apart from the present case, the petitioner is accused in one more criminal case, in which he is on bail and he is in custody since 29.08.2023. Moreover, the chargesheet has already been submitted.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-2, Begusarai, in connection with Begusarai Excise P.S. Case No.384/2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

(Dr. Anshuman, J)

Ashwini/-

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