

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75108 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- YADOPUR District- Gopalganj

Mahatam Bin, Son of Rajendra Bin R/o vill - Rajwahi, P.S. - Jadopur, Distt. -
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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
Jadopur P.S. Case No. 237 of 2023, lodged on 01.10.2023 under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

3. As per the prosecution case, the FIR has been
lodged against 3 named accused persons including the present
petitioner. The total 72 litres of country made liquor has been
recovered which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that only 27 litres of country made liquor has been
recovered from the possession of the present petitioner. Counsel



further submits that the petitioner is doing the work of Pithu/ (daily wage worker) and completely unaware what is present in the bag which he was directed to carry.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 01.10.2023.

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

7. 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 Additional Sessions Judge-II-cum-Spl. Judge Excise-I, Gopalganj in connection with Jadopur P.S. Case No. 237 of 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.)

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