

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51694 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- MIRGANJ District- Gopalganj

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Ramugare Mahto Son Of Jatan Mahto Resident Of Village - Barkagaon, P.S. -
Hathuwa, District - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate

For the Opposite Party/s : Mrs.Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State, , Mr. Rabindra Kumar.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act in connection with Mirganj P.S. Case No.175 of 2024.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 45 liters of liquor from cowshed of the petitioner.

4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and cowshed is a place outside the house and thus is



accessible to village at large. It is next submitted that it appears that someone inimical to the petitioner planted meagre amount of liquor to implicate him and his family members, as no prudent persons would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that police in majority of the cases implicates mechanically either at the instance of the Chowkidar or local person.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection with Mirganj P.S. Case No.175 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the



criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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