

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79763 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- LAUKAHA District- Madhubani

Ashrphi Mandal Son of Late Janak Mandal Resident of Village- Gattiatti, PO-
Balua, PS- Phulparas, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-11-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Laukaha P.S. Case no.180 of 2023 registered for the offence punishable under sections 272 and 273 of the Indian Penal Code and section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 39 litres of liquor was recovered from a motorcycle and the accused Ghutar Sahay who made an attempt to escape was caught.

4. Learned counsel for the petitioner submits that from the FIR itself, it would be evident that the petitioner was neither arrested at the spot nor any incriminating article recovered from his possession. Referring to the statement made in paragraph no.8 of the petition, it is submitted that the cause of



false implication of the petitioner is that he happens to be the registered owner of the vehicle in question. He has no criminal antecedent nor any concern with the seized articles. He undertakes to cooperate in the case.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been arrested at the spot and specially the petitioner not having any antecedent under the Bihar Prohibition and Excise Act, 2016, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Laukaha P.S. Case no.180 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, Madhubani.

(Partha Sarthy, J)

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