

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81871 of 2024

Arising Out of PS. Case No.-211 Year-2024 Thana- KORHA District- Katihar

Gabbar Mahaldar, Son of Aniruddh Mahaldar, R/o Madhura, P.S.- Korha,
Distt.- Katihar.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Korha P.S. Case No. 211 of 2024 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Allegation against the petitioner is of trafficking of
illicit wine through his boat. The police on information
intercepted the boat and on search recovered 91 liters of country
made wine. However, noticing the police party, one person
succeeded in fleeing away, whose name has been disclosed by
the local people as the petitioner.



4. Learned counsel for the petitioner contended that the alleged recovery has been made from a boat. Neither the petitioner is the owner of the boat nor he has any concern with the trafficking of the illicit wine. There are various other infirmities in the search and seizure. The identification of the petitioner by the local people also appears to be doubtful. Moreover, the petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that no recovery has been made from the conscious and constructive possession of the petitioner and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, would not attract in the present case, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Exclusive Special Excise Court No.2, Katihar in connection with Korha P.S. Case No. 211 of 2024, subject to the condition as



laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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