

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85813 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- GORIAKOTHI District- Siwan

Birendra Kumar Mahato Son of Bageshwar Mahato R/O-Village - Sarari
Noniya Tola, P. S - Goreyakothi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2024 Heard Mr. Ramadhar Shekhar, learned counsel for the

petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the

State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable u/s 317(4), 317(5) of the
BNS, 2023 and 30 (a) of Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Altogether 18 liters of country made liquor is said to
have been recovered from two motorcycles. Petitioner is the
owner of one of the motorcycle.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern either



with the seized liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of secret information. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.5000.00 (Rupees Five Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Goreyakothi P.S. Case No.231 of 2024 subject to the condition as laid down under Section 482 (2) of the BNSS, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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