

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90320 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- MADHEPUR District- Madhubani

Gauri Shankar Mahto S/o- Rameshwar Mahto Village- Karhara Ps- Bheja
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-01-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Madhepur P.S. Case No. 186 / 2024 (G.R. No. 843 / 2024) dated 06.12.2024 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case on 06.12.2024 during patrolling the informant got secret information that two persons carrying illicit liquor were coming on a motorcycle from Pachmania. Upon such information, Police arrived at the place of occurrence and during the course of checking saw that two persons were coming on a motorcycle and on seeing the Police party they tried to flee away. Upon chase, they left the



motorcycle bearing registration no. BR50D0723 and fled away. On search, Police recovered 50 liters country made liquor kept in bag on the said motorcycle and one Realme mobile. The petitioner has been made accused on the basis of the fact that he is the owner of the motorcycle.

4. Learned counsel for the petitioner submits that petitioner is having no criminal antecedent and he has been made accused merely on the basis of the fact that the petitioner is the owner of the motorcycle in question. He further submits that in fact the motorcycle was borrowed by his co-villager for some urgent purpose and the petitioner was not aware about illicit liquor being carried thereupon.

5. Regard being had to the submission made by the parties, taking into consideration the justification given by the petitioner and the fact that petitioner is having no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, District-



Madhubani in connection with Madhepur P.S. Case No. 186 /
2024 (G.R. No. 843 / 2024) subject to the condition as laid
down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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