

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64305 of 2022**

Arising Out of PS. Case No.-66 Year-2022 Thana- HASANPUR District- Samastipur

MANJESH MAHTO @ MANJESH KUMAR Son of Dhanik Lal Mahto R/V-
Ward No. 7, Telni, Purhaho, P.S- Bithan Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Prateek, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 02-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 207 litres liquor from a Bolero vehicle, 164.160 litres liquor from an Alto car and 1755.360 liters liquor from the cartons kept at an empty land.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to



be implicated based on the confessional statement of Ganesh Yadav in police custody which does not have any evidentiary value, it is also submitted that the alleged recovery is from a place which is an open place and is accessible to public at large.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is no pleading in the anticipatory bail application that as to whether the alleged vehicles from which the liquor was recovered belong to the petitioner or not.

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hasanpur P.S. Case No. 66 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioner shall verify whether any of the alleged



vehicles belong to the petitioner or not and in the event, if it is found that any of the vehicles belong to the petitioner, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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