

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64328 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- DALSINGHSARAI District- Samastipur

1. Virendra Mahto @ Virendra Kumar Mahto S/o Late Raj Kumar Mahto R/v- Garhsisai, P.S.- Vidyapatinagar, District- Samastipur, Bihar
2. DIPAK KUMAR MAHTO @ DIPAK KUMAR S/o Late Raj Kumar Mahto R/v- Garhsisai, P.S.- Vidyapatinagar, District- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Raj, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that petitioners have antecedent of one case and allegation is of recovery of 211.5 liters liquor from different motorcycles as detailed in the FIR and from the field of one Shyam Babu Chaudhary.

Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession and they came to be implicated based on the confessional statement of Dharmendra Kumar Mahato in police custody which does not have any evidentiary value.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that different motorcycles were apprehended from the place of occurrence and the petitioners in the bail application have not specifically pleaded whether the motorcycles belong to them or not.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 25,000/- (Rupees Twenty Five Thousand) each 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 Dalsinghsarai P.S. Case No. 82 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 petitioners shall verify whether any of the alleged motorcycles belong to any of the petitioners or not, and in the



event, if it is found that any of the motorcycles belong to the petitioners, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

