

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70081 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- CHAPRA TOWN District- Saran

SANTOSH MAHTO @ SANTOSH KUMAR Son of Shivrath Mahto
Resident of Mohalla - Rupganj, Adda No.- 2, P.S.- Chapra Nagar, District -
Saran, Presently Resident of Ward No.- 28, Sahebganj, Dahiyawan Mission
Compound, P.S.- Chapra Nagar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Rai, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a),
41(i)(ii) and 47 of the Bihar Excise Act.

Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and allegation is of
recovery of 100 litres liquor from a road in front of the house of
one Jaleshwar Mahto.

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 Arvind Mahto



in police custody which does not have any evidentiary value, further the alleged place of recovery is also accessible to public at large.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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. 20,000/- (Rupees Twenty 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 Chapra Nagar P.S. Case No. 119 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 his criminal antecedents and if it is found that petitioner has antecedent of more than three cases, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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