

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26321 of 2023**

Arising Out of PS. Case No.-215 Year-2022 Thana- SIKTI District- Araria

SANJEET KUMAR MAHTO @ SANJEET KUMAR S/O LATE TILAK
CHAND MAHTO @ TILO MAHTO Resident of Village- Dhapri, Ward No.-
02, Balua P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2023 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 Section 30(a) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of
recovery of 133.500 liters of liquor from sacks tied to
motorcycles.

Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession, it is next submitted
that petitioner came to be implicated based on confessional
statement of apprehended co-accused in police custody which
does not have any evidentiary value. The learned counsel next
submits that the seized motorcycles do not belong to the



petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sikti P.S. Case No. 215 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, the learned Trial Court before accepting the bail bonds of the petitioner shall verify whether the motorcycles belong to the petitioner or not and in the event if any of the motorcycles belong to the petitioner then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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