

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22886 of 2023

Arising Out of PS. Case No.-406 Year-2022 Thana- BHAGWAN BAZAR District- Saran

1. AJAY MAHTO SON OF LOKNATH MAHTO @ LOKNATH BIN
RESIDENT OF VILLAGE - JAANTOLA BINTOLI, P.S. - RIVILGANJ,
DISTT. - SARAN
2. ANIL MAHTO @ ANIL SON OF LOKNATH MAHTO @ LOKNATH BIN
RESIDENT OF VILLAGE - JAANTOLA BINTOLI, P.S. - RIVILGANJ,
DISTT. - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to Ajay Mahto (petitioner no. 1) who was arrested during pendency of the present case.

Permission is accorded.

The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

It is next submitted that petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 200 liters of liquor from a sack found near a *Majar*.

Learned counsel for the petitioner submits that the



petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of Sujit Kumar in police custody which does not have any evidentiary value, when admittedly petitioner is a person with clean antecedent.

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 no. 2 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. 1,000/- (Rupees One 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 Bhagwan Bazar P.S. Case No. 406 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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