

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28086 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- RAIYAM District- Darbhanga

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KUNDAN KUMAR MAHTO @ SPIDER @ KUNDAN LATE
RAMBILASH MAHTO VILLAGE KABIRCHACK BHELU CHACK PS
SADAR DISTRICT DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad. Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2023 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 Sections 25(1-B)a, 26 and 35 of the Arms Act and under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 450 liters of liquor from a Maruti Alto Car and 441 liters of liquor from a Santro Car, further two live cartridges were also seized and one Sahil Kumar was arrested.



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 Sahil Kumar in police custody which does not have any evidentiary value, when admittedly petitioner is a person with clean antecedent. It is also submitted that petitioner is not the owner of any of the seized vehicles and the allegation of recovery of two live cartridges is from Santro Car. It is thus submitted that, prima facie, no offence under the Arms Act also is made out against 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 Raiyam P.S. Case No. 64 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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