

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28873 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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DEVENDRA MAHTO @ DEVENDRA KUMAR SON OF RAMASHISH
MAHTO R/O-KEWAS JAGIR, (LAKKHI CHOWK), P.S.-SAMASTIPUR
MUFFASIL, DISTT.-SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Ms. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-05-2023 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 30(a), 41(1) and 41(2)
of the Bihar Prohibition and Excise Act, 2022 (Amendment).

Learned counsel for the petitioner submits that
petitioner has antecedent of five cases.

Allegation is of recovery of 2656.8 litres of liquor from
a truck and a Bolero vehicle.

Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is further submitted
that petitioner came to be implicated based on secret information
which is the easiest way to implicate someone. It is next submitted



that the police in order to save the real culprits falsely implicated the petitioner because of his antecedent, when petitioner is not the owner of the Bolero and the Truck.

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.25,000/- (Rupees Twenty-five 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 Samastipur Mufassil P.S. Case No. 445 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 will verify the ownership of the Bolero and the Truck and in the event if it is found that the petitioner is owner of any of the vehicle then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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