

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42975 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- MUSRIGHRARI District- Samastipur

UPENDRA MAHTO Son of Late Ram Nandan Mahto Resident of village -
Gangapur, Ward No.- 8, P.S.- Musrigharari, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43285 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Naresh Mahto @ Naresh Kumar Mahto S/O- Late Munshilal Mahto Village-
Gangapur Ps- Musrigharari Dist- Samnastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42975 of 2023)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

(In CRIMINAL MISCELLANEOUS No. 43285 of 2023)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2023

CRIMINAL MISCELLANEOUS No.42975 of 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 is a person with clean antecedent and allegation is of recovery of 405 litres of liquor from the cowshed constructed in front of the house of Guddu Mishra and four motorcycles were also seized.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on suspicion, it is further submitted that even the alleged recovery is from a place which is accessible to public at large and does 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 Court below 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 court below where the case is pending/successor court in connection with Musrigharari P.S. Case No. 42 of 2023 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 43285 of 2023

Heard learned counsel for the petitioner and learned A.P.P. for the State.

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Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 405 litres of liquor from the cowshed constructed in front of the house of Guddu Mishra and four motorcycles were also seized.

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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



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(Satyavrat Verma, J)

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