

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50242 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- EKMA District- Saran

Upendra Mahto, Son Of Basudev Mahto Resident Of Village -EKMA, Police
Station - Ekma, District - Saran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha

For the Opposite Party/s : Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a), 41 of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases and the allegation is
of recovery of 155.520 litres of liquor from a motorcycle and
from possession of Santosh Kumar.

4. The learned counsel for the petitioner submits that
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 Ganesh Kumar
Sah and Mithilesh Kumar Sah in police custody, which does not
have any evidentiary value. It is next submitted that petitioner is



not the owner of the seized vehicle.

5. Learned A.P.P. opposes the bail application.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum- 1st Exclusive Special Excise Court, Saran at Chapra in connection with Ekma P. S. Case No.210 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, the learned trial Court before accepting the bail bonds of the petitioner shall verify the ownership of the seized vehicle and in the event, if it is found that the seized vehicle belongs to the petitioner, then in that event, the present anticipatory bail order shall not be given to.

(Satyavrat Verma, J)

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