

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27349 of 2024

Arising Out of PS. Case No.-210 Year-2023 Thana- LAKHNAUR District- Madhubani

Surendra Mahto Son of Late Prabhu Mahto Resident of Village- Lakhnaur,
Imambara Chauk, P.S.- Lakhnaur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-04-2024 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 272, 273 and 34 of the I.P.C. and Section 30(a) of

the Excise Act.
3. The learned counsel for the petitioner submits

that the petitioner has antecedent of two cases and the

allegation is of recovery of 11 litres of liquor from a bush

adjacent to the house of the petitioner.
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 even alleged recovery is from a place, which is adjacent to his house, but does not belong to him and which is accessible to public at large and he came to be implicated based on confessional statement of Buchi Devi in police custody, which does not have any evidentiary value.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Lakhnaur P. S. Case No.210 of 2023, G.R. No.729 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court



before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than two cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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