

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29357 of 2024

Arising Out of PS. Case No.-402 Year-2023 Thana- KALYANPUR District- East Champaran

1. Munni Lal Mahto S/o Mohan Mahato R/o vill - Tulsipatti, P.s. - Kalyanpur, Distt. - East Champaran
2. Lal Babu Mahato @ Lal Babu Kumar S/o Ram Ekbal Mahato R/o vill - Tulsipatti, P.s. - Kalyanpur, Distt. - East Champaran
3. Ram Parvesh Mahato S/o Shiv Lochan Mahato R/o vill - Tulsipatti, P.s. - Kalyanpur, Distt. - East Champaran
4. Pankaj Kumar @ Pankaj Kr. Mahato S/o Birendra Mahato R/o vill - Tulsipatti, P.s. - Kalyanpur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30(a) and 41(i) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no.1, 2 and 3 have antecedent of one case and petitioner no.4 is a person with clean antecedent and allegation is of recovery of 100 litres of liquor from a place in front of government school. It is next submitted that petitioners were



not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of chowkidar with whom they are on an inimical term. It is next submitted that if the chowkidar was aware of the involvement of the petitioners in the occurrence why he did not inform the police prior to institution of the instant case, which casts an aspersion on the case of the prosecution.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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.5000/- (Rupees five thousand) each 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 Kalyanpur P.S. Case No.402/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before



accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1, 2 and 3 have antecedent of more than one case and petitioner no.4 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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