

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31255 of 2024

Arising Out of PS. Case No.-262 Year-2017 Thana- RIVILGANJ District- Saran

Shivnath Mahto Son of Dipti Mahto Resident of Newaji Tola, Dharmsala,
P.S.- Chapra, Distt.- Saran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 272, 273 of the I.P.C. and
Section 30(a) of Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and allegation is of recovery of
565 litres of liquor from possession of Munna Rai, 460 litres of
liquor from Bittu Rai, 425 litres of liquor from Dhanu Rai and 50
litres of liquor from a motorcycle. It is next submitted that petitioner
was not arrested from the spot as such nothing was recovered from
his conscious possession and even alleged recovery is from named
accused persons and the petitioner is not the owner of the seized
motorcycle and he came to be implicated based on confessional
statement of apprehended accused in police custody, which does not



have any evidentiary value.

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

5. 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.10,000/- (Rupees ten thousand) 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 Rivilganj P.S. Case No.262/2017, 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 petitioner shall verify the criminal antecedents 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 order shall not be given effect to.

(Satyavrat Verma, J)

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