

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32323 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Birendra Kumar Mahto @ Birendra Kumar @ Birender Mahto SON OF
SAMBHU MAHTO R/O - Village- Ramberai, Ward No. 4, P.S. Sadar
Darbhanga, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kanchan Jha

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-04-2024 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 Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 1.875 litres of liquor from a bush behind the house of the
petitioner. 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 a place which does not
belong to the petitioner and is accessible to public at large and he
came to be implicated at the instance of local person but then it
absolutely does not stand to reason that if the local person was aware



of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant F.I.R, 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 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.500/- (Rupees five hundred) 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 Sadar P.S. Case No.121/2024, 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 even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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