

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33691 of 2024**

Arising Out of PS. Case No.-04 Year-2024 Thana- Kalibagh District- West Champaran

Raj Kishore Mahto @ Bisi, S/O Shiv Mahto Village- Kalibagh, Ward  
No.04,P.S.- Kalibagh, Dist-West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Bharti Rai  
Mr. Sanjeev Kumar  
For the Opposite Party/s : Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      09-05-2024                      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 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 54.12 litres of liquor from the  
  
house of Shiv Mahto.
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



after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that petitioner came to be implicated at the instance of local person as he is son of Shiv Mahto. It is also submitted that there is already a division in the family of the property and the property has come in the share of Dharmendra Mahto.

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 Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Kalibagh P. S. Case No.04 of 2024, 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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