

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51459 of 2024

Arising Out of PS. Case No.-234 Year-2019 Thana- ROSERA District- Samastipur

Devendar Mahto Son Of Late Narayan Daha Village- Bujrug Doar, Ps-
Khanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-10-2024 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, 34 of the Indian
Penal Code and Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases and allegation is of recovery
of 134.640 litres of liquor from a pick up van, 29.250 litres of liquor
from a motorcycle and 723.773 litres of liquor from a hut. 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 nor he is owner of any of the seized vehicles and he came
to be implicated based on secret information which is the easiest way



to implicate someone. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically.

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.20,000/- (Rupees twenty 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 Rosara P.S. Case No.234/2019, 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 four cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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