

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41149 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- TARARI District- Bhojpur

Mantosh Thakur SON OF GANESH THAKUR VILLAGE- SAIDANPUR,
PS- TARARI, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-08-2024 1. The learned counsel for the petitioner seeks permission to delete para-11 and 12 of the anticipatory bail application.
2. Permission is accorded.
3. Heard learned counsel for the petitioner as well as learned APP for the State.
4. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act in connection with Tarari P.S. Case No.03 of 2024
5. The learned counsel for the petitioner submits that Tarari P.S. Case No.57 of 2016 was registered against the petitioner, but then the petitioner was acquitted in the said case vide judgement dated 02.11.2018 passed by learned ADJ-VI, Bhojpur in Sessions Trial No.323 of 2018, as such petitioner is a



person with clean antecedent. It is next submitted that allegation is of recovery of 40 liters of liquor from a bag recovered from the apprehended accused along with a motorcycle.

6. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is owner of the alleged seized motorcycle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner was completely unaware that Satrugan would misuse the vehicle in the manner as alleged.

7. The learned APP for the State opposes the anticipatory bail application.

8. 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.II, Bhojpur, Ara in connection with Tarari P.S. Case No.03 of 2024,



subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. 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 even one case, in that event, the present anticipatory bail order shall not be given effect.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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