

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41261 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

Shailesh Kumar, Son Of Late Dinanath Sah, R/O- Village - Dipau Pakri Ps -
Mohammadpur District Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulten Mahto, S/o Late Budh Ram Mahto R/o Village-Purvi Kasgahiya,
P.S.-Bettiah Muffasil, District-West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2024 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

Section 30(a) of the Excise Act, 2022.

3. The learned counsel for the petitioner submits

that the petitioner is a person with clean antecedent and the

allegation is of recovery of 3.24 litres of liquor from a

bamboo orchard of Dilip Prasad.

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 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 Chaukidar with whom he is on an inimical term.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-XIII-cum- Special Excise Court No.1, Gopalganj in connection with Mohammadpur P. S. Case No.271 of 2023, 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 even one case,
in that event, the present anticipatory bail application shall
not be given effect to.

(Satyavrat Verma, J)

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