

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41653 of 2024

Arising Out of PS. Case No.-516 Year-2023 Thana- BIRAUL District- Darbhanga

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1. Sunny Mahto @ Sunny Kumar S/o- Dinesh Mahto Vill- Supaul Bazar Ps- Biraul Dist- Darbhanga
 2. Dinesh Mahto son of Late Bilkhu Mahto Vill- Supaul Bazar Ps- Biraul Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and allegation is of recovery of 5 litres of liquor along with 30 litres of raw material from the house of Ravi Kumar Mahto.
4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be



implicated for the reason that they are related to Ravi and Ravi was made to confess their name, when petitioners admittedly are persons with clean antecedent. It is also submitted that after the amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that he came to be implicated based on confessional statement of Ravi in police custody which does not have any evidentiary value.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) each 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 Biraul P.S. Case No. 516 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the



criminal antecedents of the petitioners and in the event if it is found that the petitioners have 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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