

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43579 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- KATEYA District- Gopalganj

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Mahanth Chaudhary @ Mahanth Yadav @ Mahanth Chaudhury S/O Late
Badri Chaudhary @ Late Badari Yadav R/O Village- Bankatiya, Tola Tad,
P.S- Kateya, Distt.- Gopalganj.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2024 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 Section 30(a) of
Bihar Prohibition and Excise Amendment Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of nine cases, as would manifest from
supplementary affidavit filed on behalf of the petitioner. It is
next submitted that allegation is of recovery of 495 litres of
liquor from the Bathan of the petitioner. It is next submitted
that petitioner was not arrested from the spot as such nothing
was recovered from his conscious possession and bathan is a
place which is outside the house and is accessible to villagers at



large. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that the petitioner came to be implicated at the instance of chowkidar with whom he is on an inimical term. It is also submitted that the chowkidar in order to save the real culprit falsely implicated in the petitioner taking advantage of his antecedents.

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.45000/- (Rupees forty five 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 Kateya P.S. Case No.76/2024, 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 nine cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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