

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45940 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- KALYANPUR District- Samastipur

Surendra Mahto @ Salendra Kumar @ Shailendra Kumar S/o Mathu Mahto
@ Meethu Mahto R/o Village-Hariharpur Ward No 01, P.S.-Kalyanpur,
District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioner as well as
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 Bihar Prohibition and Excise Act, 2022 in connection with Kalyanpur P.S. Case No.79 of 2024.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and allegation is of recovery of 6.75 liters of liquor from a house behind the house of the petitioner and 4 liters of liquor from possession of Bhola Sahni.

4. 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 and is accessible to public at large, but then is adjacent to his house as such based on suspicion came to be implicated by local person, but then the name of the person who disclosed the name of the petitioner is not recorded in the FIR, which cast an aspersion in the case of the prosecution.

5. The learned APP for the State opposes the anticipatory 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Ist, Samastipur in connection with Kalyanpur P.S. Case No.79 of 2024, subject to the conditions 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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