

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49974 of 2024

Arising Out of PS. Case No.-463 Year-2024 Thana- SONEPUR District- Saran

1. Sachita Mahto, Son of Late Shiv PujanMahto R/O Vill.- Chitrasenpur, P.S.- Sonepur, Dist.- Saran
2. Guddu Kumar @ Gudu Mahto, Son of Sachita Mahto R/O Vill.- Chitrasenpur, P.S.- Sonepur, Dist.- Saran
3. Nitish Kumar @ Nitesh Kumar Son of Sachita Mahto R/O Vill.- Chitrasenpur, P.S.- Sonepur, Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar Singh
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner nos.1 has antecedent of two cases and petitioner nos.2 and 3 have antecedent of one case and the allegation is of recovery of 350 litres of liquor from two motorcycles and from a kiln as detailed in the F.I.R.

4. The learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and petitioner nos.1 and 3 are not the owner of any of the seized vehicle and petitioner no.2 came to be implicated based on the fact that he is owner of one of the seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that Lallu Kumar would misuse the vehicle in the manner as alleged as he was also apprehended at the spot.

5. Learned A.P.P. opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Saran at Chapra in connection with Sonapur P. S. Case No.463 of 2024, 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner nos.1 has antecedent of more than two cases and petitioner nos.2 and 3 have antecedent of more than one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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