

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55370 of 2024

Arising Out of PS. Case No.-158 Year-2023 Thana- HATHAURI District- Samastipur

Rajesh Kumar @ Rajesh Mahto, Son Of Ramakant Mahto Village- Sedukha
Manapur, P.S.- Khanpur, Distt.- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-08-2024 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 Sections 30(a), 41(1) and 32(3) of the Excise Act.
3. The learned counsel for the petitioner submits that petitioner has antecedent of four cases and the allegation is of recovery of 1215.72 litres of liquor from a truck.
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 is not the owner of the seized truck and he came to be implicated based on secret information, which is the easiest way to implicate someone. It is next submitted that police in majority of cases implicating



innocent persons either at the behest of Chaukidar or local person or secret information taking advantage of their antecedent, which cast an aspersion of the case of the prosecution as implication appears to be mechanical.

5. Learned A.P.P. 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-1, Samastipur in connection with Hathauri P. S. Case No.158 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

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 four cases, in that event, the present anticipatory bail order shall not be given



effect to.

(Satyavrat Verma, J)

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