

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55543 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- Excise P.S. District- Samastipur

Raj Kumar Mahto Son of Late Bindeshwar Mahto Resident of Vill-
Dharampur Bandey, Ward No. 09, P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-08-2024 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, 2018.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 24.800 litres of liquor from the chow-shed 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 the cow-shed is a place outside the house and thus is
accessible to villagers at large. It is also submitted that it appears that
someone inimical to the petitioner planted a meager amount of liquor
to implicate the petitioner and his family members. It is next
submitted that no prudent person would use his own land for



committing an occurrence and thus would create evidence against himself and hence would get implicated. It is further submitted that the petitioner came to be implicated based on secret information, which is the easiest way to implicate someone.

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.500/- (Rupees five hundred) 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 Patori Excise P.S. Case No.78/2024, 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 even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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