

Arising Out of PS. Case No.-90 Year-2024 Thana- LAKHNAUR District- Madhubani

1. Ramadhin Mahto, Son of Shivilal Mahto R/o Village- Pachahi, P.S.- Madhepur, District- Madhubani
2. Vimlesh Mahto @ Vimlelsh Kumar Mahto, Son of Late Rajendra Mahto R/o Village- Jorla, P.S.- Lakhnaur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-09-2024 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 Sections 274, 275 and 3(5) of B.N.S. Act, 2022 and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of four cases and allegation is of recovery of 104.655 litres of liquor from a car.



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 are not the owner of the seized car and they came to be implicated at the instance of Chaukidar with whom petitioner no.2 is on an inimical term.

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. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Lakhnaur P. S. Case No.90 of 2024, G.R. No.501 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 no.1 has antecedent of even one case and petitioner no.2 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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