

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66309 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- DIGHWARA District- Saran

Mithlesh Mahto @ Mithilesh Mahto @ Mithilesh Kumar Son of Paltoo
Mahto Resident of Village- Manopur (Manupur), P.s.- Dighwara, District-
Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh
For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-09-2024 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
Section 30(a) of the Bihar Prohibition and Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 93.42 liters of liquor from possession of Munna
Mahto and a sack allegedly thrown by the petitioner.
4. It is next submitted that petitioner was not arrested
from the spot and as such nothing was recovered from his
conscious possession and has no concern with Munna Mahto
nor the alleged recovery is from a place which belongs to him



and he came to be implicated at the instance of local villagers, but then police in a mechanical manner implicates at the instance of *Chowkidar*, local people, secret information and confessional statement without holding a proper investigation when petitioner admittedly is a person with clean antecedent.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned 1st Exclusive Special Excise Judge, Saran at Chapra in connection with Dighwara P.S. Case No. 176 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 even one case, in that event, the present anticipatory bail order shall not be given



effect.

8. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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