

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68126 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- KARPURIGRAM District- Samastipur

Lal Babu Mahto S/O Yogendra Mahto Resident of Village- Manpura, P.S-
Bangra, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-09-2024 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 offences punishable under Sections 30(a), 32, 36 and 41 of the
Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of twelve cases.
4. Allegation is of recovery of 3372.84 litres of liquor
from a truck.
5. 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. It is further submitted that petitioner came to be
implicated based on the secret information which is the easiest way
to implicate someone. It is next submitted that police, at times, take
aid of the secret information in order to implicate with a view to save



the real culprits. It is also submitted that once an accused is implicated in a case relating to excise, the police start implicating mechanically.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let 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.60,000/- (Rupees Sixty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Karpuri Gram P.S. Case No. 31 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than twelve cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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