

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67159 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- UJIYARPUR District- Samastipur

Lal Babu Mahto @ Lalbabu Mahto S/O Yogendra Mahto Resident of Village-
Manpura, P.S- Tajpur NH, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-09-2024 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
Sections 30(a), 41(i)(ii) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of twelve cases and allegation is of
recovery of 4200 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. It is also submitted that once an accused is
implicated in a case relating to excise, the police starts



implicating mechanically and at times to save the real culprit.

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. 60,000/- (Rupees Sixty Thousand) with two sureties of the like amount each to the satisfaction of Sri Basant Kumar, the learned Exclusive Special Excise Court No.1, Samastipur in connection with Ujiyarpur P. S. Case No.142 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, 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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