

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67600 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- Excise P.S. District- Begusarai

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Santosh Kumar @ Andhera @ Santosh Mahto Son of Shyam Mahto R/o
Village- Bagwara, P.S.- Singhaul, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Ms.Gulnar Begum

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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) and 32(3) of the Excise Act.

3. The learned counsel for the petitioner submits
that the petitioner has antecedent of six cases and the
allegation is of recovery of 378 litres of liquor from a Tata
pick-up vehicle.

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 vehicle and he came to be



implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating him mechanically.

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.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-IIInd, Begusarai in connection with Excise P. S. Case No.254 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 six cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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