

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72947 of 2024

Arising Out of PS. Case No.-752 Year-2023 Thana- SITAMARHI District- Sitamarhi

Ram Shreshth Mahto Son of Late Nirash Mahto Resident of Village - Bhasar
Machacha, Uttari Ramna Tola, Ward No. - 8, P.S. and District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-10-2024 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 Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 558 litres of liquor from a bamboo
orchard of the petitioner.
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 the bamboo
orchard is a place outside the house and is accessible to villagers
at large. It is next submitted that no prudent person would use



his own field for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is also submitted that it appears that someone inimical to the petitioner and his family planted the liquor with a view to implicate him and his family members, when admittedly petitioner is a person with clean antecedent and he came to be implicated based on secret information, which is the easiest way to implicate someone,

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-02, Sitamarhi in connection with Sitamarhi P. S. Case No.752 of 2023, 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 even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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