

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74755 of 2023

Arising Out of PS. Case No.-108 Year-2019 Thana- BAHERA District- Darbhanga

Devendra Mahto @ Devendra Son of Narayan Mahto Resident of Village-
Bujurg Doar, Police Station-Khanpur, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 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 414 of the Indian Penal Code and sections 30(a), 32(iii) and 41(i) of the Excise Act.

3. The learned counsel for the petitioner submits that petitioner has antecedent of one case and the allegation is of recovery of 2622.70 litres of liquor from two different motorcycles, room and godown as detailed in the FIR. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and petitioner is not the owner of the seized motorcycles, room and the godown. He came to be implicated based on confessional



statement of one Ramnarayan Yadav in police custody which does not have any evidentiary value.

4. Learned A.P.P. opposes the bail application.

5. 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge- 11, (Excise Act), Darbhanga in connection with Bahera P.S. Case No. 108 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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