

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74335 of 2024

Arising Out of PS. Case No.-265 Year-2024 Thana- SITAMARHI District- Sitamarhi

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Jagdish Mahto @ Jagdish Singh S/o Late Prasadi Mahto @ Ram Prasad
Mahto R/o village - Anharwan @ Anharawan, ward no. -7, P.S. - Sitamarhi,
Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-10-2024 1. Heard learned counsel for the petitioner as well as
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 IPC and 30(a) of the Bihar Prohibition and
Excise Act in connection with Sitamarhi P.S. Case No.265 of
2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and allegation is of
recovery of 720 liters of liquor from a Scorpio vehicle.

4. It is next submitted 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 at the instance of Chowkidar, but then it is submitted that police in majority of the cases implicates either at the instance of the 'Chowkidar', local person, secret information or confessional statement in a mechanical manner without holding proper investigation.

5. The learned APP for the State 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, Sitamarhi in connection with Sitamarhi P.S. Case No.265 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. 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 two cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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