

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8085 of 2025

Arising Out of PS. Case No.-75 Year-2023 Thana- KESARIA District- East Champaran

Jitendra Mahto, Son of Baran Mahto Resident of Village- Sagar Churaman,
P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2025 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 272 and 273 of the I.P.C. and Sections 30(a), 32 and
41(i) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases under the Excise Act
and allegation is of recovery of 10 litres of liquor along with
1600 litres of mahua jaggery solution from Sagar Churaman
Chaur.

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 even alleged



recovery is from a place, which does not belong to the petitioner and is accessible to public at large and he came to be implicated based on secret information, which is the easiest way to implicate someone. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret informant and confessional statement in a mechanical manner without holding proper investigation. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating 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 **provisional anticipatory 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.3, East Champaran, Motihari in connection with Kesariya P. S. Case No.75 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 more than two cases, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of only two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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