

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13641 of 2025

Arising Out of PS. Case No.-52 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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Bullet Mahto, S/O Bhuneshwar Mahto @ Bhuwaneshwar Mahto, Resident of
village- Korigawa, P.S.- Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-04-2025 Heard Abhishek Kumar, learned counsel for the

petitioner and Mr. Shailendra Kumar Singh, learned APP for the

State.

2. The petitioner apprehends his arrest in
connection with Sangrampur P.S. Case No. 52 of 2023 dated
10.02.2023 registered for the offences punishable under section
414 of the Indian Penal Code and sections 30(a), 32, 41(1) and
37 of the Bihar Prohibition & Excise Act.

3. The mains submissions advanced by learned
counsel appearing for the petitioner are that as per the
prosecution, one person, namely, Ravindra Mahto was
apprehended with a motorcycle during patrolling with 5 litres
country made liquor while another person fled away and the



apprehended person disclosed the name of absconding person as Bullet Mahto, based on which the present petitioner has been implicated in the case. It is further submitted that the petitioner is innocent and has been falsely implicated due to enmity and was not present at the place of recovery. It is lastly submitted that the petitioner is not the owner of the motorcycle in question and there is no material to establish any connection of the petitioner with the seized liquor and moreover, the search and seizure were conducted in violation of section 100(4) and 100(6) of Cr.P.C. and no independent witness was present at the place of recovery and the alleged offences of the Excise Act do not attract even *prima facie* against the petitioner as there is no even *prima facie* evidence linking the petitioner to the alleged offences.

4. Though learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepted that the case is based primarily on disclosure statement of the co-accused in respect of petitioner's involvement.

5. Considering the aforesaid submissions advanced by petitioner's counsel and taking into account the petitioner's fair and clean antecedent as well as circumstances and the materials available on record and mainly the fact that in respect of



petitioner’s involvement in the alleged offences the prosecution is mainly relying upon the statement of apprehended co-accused given before the police, this Court is of the view that it is a fit case to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Sangrampur P.S. Case No. 52 of 2023, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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