

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23434 of 2025

Arising Out of PS. Case No.-30 Year-2022 Thana- CHORAUT District- Sitamarhi

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Dilip Kumar Mahto @ Dilip Mahto Son of Jay Narayan Mahto Resident of
Village - Punaura, P.S. - Punaura, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-04-2025 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
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner, at the outset,
submits that inadvertently at Para-3, it has been pleaded that
petitioner is a person with clean antecedent, when petitioner has
antecedent of one case. It is next submitted that allegation is of
recovery of 6.376 litres of liquor from possession of Pankaj
Kumar and the motorcycle was seized.

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 he came to be



implicated based on the fact that he is owner of the seized motorcycle. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that Pankaj Kumar would misuse the vehicle in the manner as alleged.

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.5000/- (Rupees Five 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 Choraut P. S. Case No.30 of 2022, 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 after accepting the provisional 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 one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, 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 one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

9. At this stage, the learned counsel for the petitioner seeks permission to make rectification at Para-3 of the anticipatory bail application.

10. Permission is accorded.

(Satyavrat Verma, J)

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