

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31873 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- JOKIHAT District- Araria

Manoj Mahto @ Rakesh Mahto @ Rajeev Ranjan S/o- Maheshwar Mahto @
Feku Mahto Resident of Village- Malpur Agrail PS- Sakra Dist-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 25-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, total 2275.200 litres of illicit foreign liquor was recovered from the DCM Truck.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case at the behest of the police merely because he carries long list of criminal antecedents of similar nature of offence. It is further submitted that the petitioner is neither the owner of the said truck nor any incriminating article has been recovered from his



conscious possession. It is also submitted that similarly situated co-accused person has already been granted bail by this Court vide order dated 22.05.2025 passed in Cr. Misc. No. 25927 of 2025. It is lastly submitted that the petitioner has five antecedents. The learned counsel for the petitioner undertakes to deposit a sum of Rs. 10,000/- in the account of Advocate Association of the Patna High Court, Patna.

5. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

6. Considering the aforesaid submissions of the parties as well as undertaking given by the petitioner coupled with the fact that similarly situated co-accused person has already been granted bail, let the above named petitioner, in the event of his arrest/surrender within a period of four weeks from today, be enlarged on anticipatory bail on deposition of a sum of Rs. 10,000/- to the Advocate Association of the Patna High Court, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail-bonds and thereafter on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria, in connection with Jokihat P.S. Case No. 48 of 2025,



subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further condition/s:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. This application stands allowed.

(Sourendra Pandey, J)

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