

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34411 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- MAKER District- Saran

Mintu Kumar Mahto S/o Umesh Mahto Resident of village- Jagdishpur,
Ketuka Lachchhi, P.S.- Maker, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Adv.
For the State : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 08-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The recovery of total 11 litres of country made liquor has been shown from a plastic sack which was thrown by this petitioner in the bushes near Jagdishpur Canal Gate.

4. Learned counsel for the petitioner submits that no recovery was made from physical and conscious possession of the petitioner. His name has surfaced in this case on account of disclosure made by the local *Chaukidar*. The place of recovery is an open area which is accessible to all. It is further submitted that the process of search and seizure also amounts to violation



of the mandatory provisions as there is no independent witness to the said seizure.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner has three criminal antecedents of similar nature. In response to the same, it is submitted on behalf of the petitioner that he is on bail in all the three cases.

6. Considering the entire facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Maker P.S. Case No. 28 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the following conditions that:

(I) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related with the petitioner.

(II) The learned Court below shall verify the criminal antecedent of the petitioner and in case it is found that the



petitioner has concealed his criminal antecedent, the learned Court below shall take steps for cancellation of bail bonds of the petitioner. However, it is expected that the verification process would be done expeditiously without causing delay.

(III) The petitioner shall appear before the Investigating Officer of the concerned Police Station at an interval of every 15 days till charge sheet is submitted against him.

(Soni Shrivastava, J)

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