

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85268 of 2024**

Arising Out of PS. Case No.-183 Year-2023 Thana- TEGHRHA District- Begusarai

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Laxman Mahton @ Laxman Mahto @ Lakshman Mahto Son of Ganesh Mahto @ Ganesh Mahton Village -Ajarbar Binalpur, ward no 6, P.S- Teghra, District -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Nand Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      10-01-2025                      1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 30(a), 30(c) of Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and allegation is of recovery of 81 litres of liquor from the house of Ganesh Mahto. It is next submitted that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is also submitted that the house in



question is a joint family property as such it cannot be alleged with certainty that it was petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is further submitted that since the house from where the liquor was recovered belonged to his father and uncle as such the petitioner was implicated based on his antecedent and the petitioner is in custody since 19.10.2024.

4. Learned A.P.P. opposes the prayer for bail of the petitioner and submits that petitioner was granted the privilege of anticipatory bail by an order dated 10.09.2024 in Cr. Misc. No.65592/2024 with a condition 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 even one case, in that event, the anticipatory bail order shall not be given effect to. It is next submitted that in Cr. Misc. No.65592/2024, the petitioner at para-3 had pleaded that he is a person with clean antecedent. It is thus submitted that if petitioner is granted the privilege of bail, in that event, he may abscond, on which, the learned counsel for the petitioner submits that petitioner will not abscond rather will co-operate in the trial to prove his innocence.



5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs.25000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Teghra (Teghrha) P.S. Case No.183/2023.

6. However, if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

**(Satyavrat Verma, J)**

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