

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12344 of 2017

Arising Out of PS.Case No. -753 Year- 2016 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

- =====
1. Rakesh Kumar, S/o Harendra Mahto,
 2. Deepak Mahto @ Dipak Mahto, S/o Gajju Mahto, both resident of Village/Mohalla- Purani Gudari Road, Bhawani Singh Marg, P.S.- Town, District- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-03-2017 On behalf of the petitioners it is submitted that petitioner no.1 (Rakesh Kumar) has already been arrested and, as such, his prayer for pre-arrest bail has become infructuous.

In the circumstances, this Criminal Miscellaneous against petitioner no.1 (Rakesh Kumar) is hereby dismissed as withdrawn. Now, this Criminal Miscellaneous will be heard only against petitioner no.2 (Deepak Mahto @ Dipak Mahto).

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Muzaffarpur Town P.S. Case No. 753 of 2016, registered for the offence punishable under Section 290 of the Indian Penal Code



and under Section 30(a) of the Bihar Excise Prohibition Act.

Allegedly, 90 liters toddy mixed with intoxicant and other articles were recovered from the toddy shop of the petitioner Deepak Mahto.

Submission is of false implication and that nothing has been recovered from possession of the petitioner, copy of the seizure list has not been give to the family members of the petitioner. The petitioner has not been apprehended at the spot, the place from where the alleged recovery has been shown does not belong to the petitioner and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering the alleged recovery, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Muzaffarpur Town P.S. Case No. 753 of 2016, pending in the Court of learned Chief Judicial Magistrate, Muzaffarpur.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

