

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7452 of 2019

Arising Out of PS. Case No.-316 Year-2018 Thana- RAMGARHWA District- East
Champaran

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RAJENDRA MAHTO @ RAJENDRA CHAUDHARI, aged 50 years, Male,
Son of Late Vasudeo Mahto Resident of Village – Inarwa, P.S. Ramgarhwa,
district Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar No.III, Adv.

For the Opposite Party : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-02-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
28.12.2018 in connection with Ramgarhwa P.S. Case No. 316 of
2018 for the offences alleged under Sections 272 and 273 of the
Indian Penal Code and under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that when they reached near the house of Rajendra
Mahto, on seeing police party, two persons came out of the
house and began to flee, but, were caught, who disclosed their
names as Rajendra Mahto and Ramchandra Mahto. On search
from the house of the petitioner two liters of country made wine
was recovered and 30 liters of soaked mahua was also recovered
which was destroyed apart from utensils used in manufacturing



of wine. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and nothing has been recovered from his conscious possession. Whatever has been recovered is a planted and manufactured one.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Ramgarhwa P.S. Case No. 316 of 2018 to the satisfaction of the learned Special Judge, Excise, Motihari.

(Nilu Agrawal, J)

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