

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36747 of 2019

Arising Out of PS. Case No.-575 Year-2018 Thana- SAKRA District- Muzaffarpur

RAKESH MAHTO @ DHANNA SETH, aged about 35 years, Male, Son of
Mishri Lal Mahto, Resident of Village- Lautan @ Harsinghpur, P.S.- Sakra,
District- Muzaffarpur ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Anish Chandra, Adv.
For the Opposite Party : Mr. Murli Dhar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-06-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
23.04.2019 in connection with Sakra P.S. Case No. 575 of 2018
for the offence alleged under Sections 272 and 273 of the Indian
Penal Code and under Sections 30(a), 35(a), 38 and 41 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that a truck in which one
Rakesh Mahto, son of Maheshwar Mahto, and the petitioner
were present, huge quantity of illicit liquor is being carried, the
police intercepted the truck, the driver and the khalasi (cleaner)
managed to flee away and from the truck and 4449.600 liters of
illicit liquor was recovered. Accordingly, a seizure list was
prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and only on suspicion, the name of the petitioner has been taken. He was not apprehended on the spot and the illicit liquor does not belong to him nor he was carrying the said illicit liquor trade. It has, further, been submitted that the petitioner does not bear any criminal antecedent and is languishing in judicial custody since nearly two months.

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

Considering the nature of allegations and the materials on record as well as the fact that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the bail application, 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 Sakra P.S. Case No. 575 of 2018 to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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