

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10786 of 2020

Arising Out of PS. Case No.-94 Year-2019 Thana- BALIGAON District- Vaishali

Rakesh Mahto @ Rakesh Mahato @ Rajeev, Male, aged about 40 years, Son of Maheshwar Mahto, Resident of Village Malpur Agrail, P.S. Sakra, District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-02-2020 Heard both sides.

The petitioner seeks bail in Baligaon P.S. Case No.94 of 2019, registered under Sections 414/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

The police intercepted a three wheeler auto rickshaw and apprehended driver of the vehicle who disclosed that Ajay Kumar Tiwary is the owner of the vehicle. Tuntun Sahni was also sitting in the vehicle. The apprehended accused disclosed that Rakesh Mahto, the petitioner, is the owner of the liquor and they were carrying liquor at the instance of Rakesh Mahto.

Learned counsel for the petitioner submits that there is nothing on record to show that the petitioner is the owner of the liquor. Save and except the disclosure made by the driver of the



vehicle, there is no material against the petitioner to show the involvement of the petitioner in illegal transportation of liquor. The petitioner is in jail since 16.12.2019. It is also submitted that the petitioner is accused in eight other cases in which six cases were registered under the Excise Act but in all the six cases, registered under the Excise Act, petitioner is not named in the FIR and the name of the petitioner surfaced on the basis of the confessional statement of the co-accused.

Considering the facts aforesaid, petitioner, namely, Rakesh Mahto @ Rakesh Mahato @ Rajeev is directed to be enlarged on 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 Additional Sessions Judge IInd-cum-Excise Court, Vaishali at Hajipur in connection with Baligaon P.S. Case No.94 of 2019.

(Prabhat Kumar Jha, J)

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