

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24404 of 2020

Arising Out of PS. Case No.-576 Year-2018 Thana- SAKRA District- Muzaffarpur

RAKESH MAHTO @ RAJEEV RANJAN S/o 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. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-09-2020 Heard Mr. Hari Kishore Thakur, learned counsel for
the petitioner and Ms. Indu Kumari Srivastava, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with Sakra
P.S. Case No. 576 of 2018 registered for the offences
punishable under Sections 272, 273 of the Indian Penal Code
1860 and Section 30(a), 35(a), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner as per the First
Information Report is that the police on getting secret
information that petitioner along with other accused persons
has brought consignment of illicit liquor and has kept it in an
abandoned building which was earlier being used as Health



Centre, proceeded towards the place of occurrence and recovered a total quantity of 475.920 litres of illicit foreign liquor from the same.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that the illicit liquor has not been recovered from conscious possession of the petitioner and from perusal of the First Information Report and the seizure list, it would be evident that the same has been recovered from an abandoned building. Learned counsel also submits that the petitioner was remanded in this case on 3.2.2020 and since then he is in custody.

Learned counsel for the State, on the other hand, vehemently opposes the prayer for bail and submits that the petitioner has got criminal antecedent inasmuch as six cases of similar nature are pending against him.

Having regard to the submissions made by the parties and taking into consideration the materials on record, I am inclined to grant regular bail to the petitioner **after framing of charge.**

Accordingly, let the petitioner, above named, be



released on regular bail, **after framing of charge**, on
furnishing bail bonds of Rs.25,000/- (Twenty five thousand)
with two sureties of the like amount each to the satisfaction of
learned Special Judge, Excise Act, Muzaffarpur, in connection
with Sakra P.S. Case No. 576 of 2018.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

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