

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24490 of 2020

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

RAKESH MAHTO @ RAJEEV RANJAN 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. Hari Kishore Thakur
For the Opposite Party/s : Dr. Ravindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-09-2020 Heard learned counsel for the petitioner and learned
APP for the State through video-conferencing. .

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects, as pointed out by the office, within three
weeks of resumption of physical court proceeding. In the
eventuality of non-removal of defects within undertaken period,
the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272 & 273 of the Indian
Penal Code and Section 30 (a), 35 (a), 38 & 41 of the Bihar
Prohibition and Excise Act, 2016.



Acting on a tip-off, when the informant reached near Thakur Dhaba Repura, he saw a truck bearing Harayana number coming towards Muzaffarpur. When the informant stopped the truck, the driver and khalasi of the truck managed to escape and 4449.600 liters of foreign liquor is said to have been recovered from the truck which was covered with the cartoon.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has no concern either with the seized liquor or the place of recovery or the truck in question or any trade of liquor. He has been falsely implicated in this case merely on suspicion while he was standing at the spot at the time of raid. No incriminating article has been recovered from the conscious physical possession of the petitioner. In the F.I.R., the informant has not disclosed about his source of information. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has been languishing in custody since 03.02.2020.

Petitioner is agreed to deposit a sum of Rs.1,00,000.00 (Rupees One Lakh) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna..

Considering the facts aforesaid, the above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Muzaffarpur in connection with Sakra P.S. Case No. 575 of 2018.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.1,00,000.00 (Rupees One Lakh) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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