

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24089 of 2020

Arising Out of PS. Case No.-162 Year-2018 Thana- SAKRA District- Muzaffarpur

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Rakesh Kumar @ Rakesh Mahto Son of Mishri Lal Mahto Resident of
Village - Har Singhpur Lautan, P.S.- Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-10-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Since the court proceeding in physical mode 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 within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 272, 273



of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

It is alleged that 198.720 litres of Indian made foreign liquor and 8 litres of beer were recovered from the Pickup van of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the same has been made from the Pickup van. It is further submitted that the petitioner is the owner of the alleged Pickup van which was handed over to the driver namely, Biraji Singh, who driving the said vehicle. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

The petitioner is agreed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand) in Chief Minister Relief Fund, Bihar bearing Account No. 2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Learned APP opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of their arrest or surrender before the learned Court below



within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees 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. 162 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000/- (Rupees Twenty Thousand) in Chief Minister Relief Fund.

(Anjani Kumar Sharan, J)

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