

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11020 of 2021**

Arising Out of PS. Case No.-281 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

RAJU KUMAR MAHTO Son of Lalit Mahto @ Lalita Mahto Resident of
Village- Khoksa, Ward No. 5, P.S.- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Jitendra Narain Sinha Ms Rashmi Sharma, Advocates
For the Opposite Party/s :		Mr Binod Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-07-2021 This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Kochadhaman Police
Station (for brevity, *PS*) Case No 281 of 2020 instituted for the
offence punishable under Sections 30 (a)/35/36/41 of Bihar
Prohibition and Excise Act, 2016.

There is recovery of 898 liters and 90 milliliters of
illicit liquor from a pick up vehicle. Petitioner is stated to be the
Driver of the vehicle in question.

It is submitted by the petitioner's counsel that on basis
of confessional statement of co-accused, the petitioner has been



implicated in this case. It is further submitted that it is a case of false implication and recovery is denied and disputed by the petitioner. He is stated to be in custody since 17.11.2020 and there is one more case of similar nature pending against the petitioner. In that case, he has been implicated on basis of confessional statement recorded in this case.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Kishanganj in Special Case No 334 of 2020 arising out of Kochadhaman PS Case No 281 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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