

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29667 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- MAHARAJGANJ District- Siwan

=====

RUPESH MAHATO @ RUPESH KUMAR Son of Mahant Mahato Resident
of Village - Ratan Paroli, P.S.- Bhagwanpur Hat, Distt.- Siwan, At Present -
Banwari Tola, P.S.- Maharajganj, Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.A.G.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Maharajganj PS case no. 301 of 2020 instituted for the offences
punishable under Sections 272, 273 of Indian Penal Code and 30(A)
of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 35 liters of
illicit liquor from a motorcycle. The petitioner is stated to have
surrendered subsequently after he came to know that he has been
implicated in the present case.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and is languishing in custody since 19.02.2021. The
learned counsel for the petitioner has further submitted by referring



to paragraph no. 8 of the present petition that he is neither the owner of the illicit liquor nor of the motorcycle in question and he has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also the fact that the petitioner has categorically stated in the present petition that the motorcycle in question does not belong to the petitioner, apart from the fact that he is languishing in custody since 19.02.2021, I deem it fit and proper to admit the petitioner to the privilege of bail, accordingly the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Sessions Judge-cum-Special Judge IInd, Siwan in connection with Maharajganj PS case no. 301 of 2020.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

