

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32184 of 2020

Arising Out of PS. Case No.-57 Year-2019 Thana- RAJEPUR District- East Champaran

UPENDRA MAHTO Son of Late Janki Mahto Resident of Village-
Shiwaepatti, P.S.- Shiwaepatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-01-2021 Heard learned counsel for the petitioner and learned
APP for the State. Learned counsel for the petitioner has filed an
undertaking to remove all the defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within
one month hereof.

2. The petitioner is in custody since 22.06.2020 in
connection with Rajepur P.S. Case No. 57 of 2019 for the
alleged offences under Sections 272, 273, 420 and 34 of the
Indian Penal Code and Section 30(a) of the New Bihar Excise
Prohibition Act, 2016.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of 8800 litres of raw
spirit from two vehicles. The petitioner has been implicated on



mere suspicion as he was not not arrested at the spot, rather his name has surfaced on the extra-judicial confessional statement of co-accused Ganesh Kumar, who was arrested with Magic pick-up van bearing registration no. BR06GL-3435. The said co-accused Ganesh Kumar has been granted bail by this Court in Cr. Misc. No. 53498 of 2019.

4. Learned APP, on the other hand, opposed the petition, submitting that huge quantity of 8800 litres of raw spirit has been recovered from the two vehicles and co-accused Ganesh Kumar has been released on bail on the basis of recovery of only 400 litres of spirit. The petitioner is accused in two prior cases, one under Sections 414 of the Indian Penal Code, 25(1-b)(a)/26/35 of the Arms Act, and the other under Sections 414, 120(B)/34 of Indian Penal Code, 25(1-b)(a)/26/35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

5. Having regard to the nature of accusations and gravity of offence alleged as well as the antecedents of the petitioner, this Court is not inclined to grant the privilege of bail to the petitioner. The bail petition stands dismissed. The petitioner shall be at liberty to renew his prayer for bail after nine months in custody.



6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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