

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32635 of 2020

Arising Out of PS. Case No.-104 Year-2020 Thana- DARBHANGA District- Darbhanga

YOGENDRA MAHTO, Son of Shatrughan Mahto, Resident of Mohalla -
Senapat, P.S. - Town, District - Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-01-2021 Heard learned counsel for the petitioner and Mr. Surendra Prasad Singh, learned A.P.P. for the State.

The petitioner, in the present case, is seeking regular bail in connection with G.O. Case No. 429 of 2020/Town P.S. Case No. 104 of 2020 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the informant who is a Police Officer on secret information recovered 106.53 litres of foreign liquor from a car bearing registration No. DL4CS-2532 and on inquiry he came to know about the name of accused persons including the petitioner who managed to escape.

Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner and is not the registered owner of the vehicle in question. The petitioner is in custody since 26.08.2020.

Learned A.P.P. for the State has opposed the prayer for



regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears on perusal of the case diary that this petitioner had been in possession of the vehicle in question which he had purchased through sale deed/agreement from one Birendra Kumar on 16.12.2019 and the witnesses in the case diary have stated that the petitioner alongwith the other accused was involved in transportation of illicit liquor using that car which was though registered in the name of Birendra Kumar but the fact is that the same had been in possession of this petitioner by virtue of a sale deed/agreement, the petitioner seems to be getting involved in similar offence while on bail as it appears from paragraph 3 of the present petition that he has two criminal antecedent of similar nature, this Court is not inclined to grant privilege of regular bail to the petitioner at this stage and his prayer for bail is refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

