

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19006 of 2022**

Arising Out of PS. Case No.-29 Year-2022 Thana- RAUTARA District- Katihar

RAJESH KUMAR MAHTO @ RAJESH KUMAR Son of Budhu Mahto  
Resident of Village - Baharkhal, P.S.- Rautara, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bal Krishna Mishra

For the Opposite Party/s : Mr.Akhileshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      22-07-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual court proceeding.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Routara P.S. Case No. 29 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly 3.75 liters of India made foreign liquor was recovered from place about 200 yards from the house of the petitioner when the police went to conduct a raid on the house of the petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is clear from the FIR that nothing has been recovered from the possession of the petitioner. It is also clear that illicit liquor was recovered from an open space. The petitioner might have been named in this case because of his criminal antecedent as two other cases of similar nature pending against him. Charge sheet has been submitted in this case and petitioner is in custody since 25.02.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the nature of allegation coupled with the quantity of liquor seized and further considering the submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Excise Judge No. 2 Katihar in connection with Routara P.S. Case No. 29 of 2022, subject to the other conditions as laid down under Section 437(3) of the Cr.P.C.

(i) The bail bond of the petitioner will



be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not indulge in similar type of offences in future.

(v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/-

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