

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46403 of 2021

Arising Out of PS. Case No.-274 Year-2019 Thana- BARUN District- Aurangabad

RAJENDRA MAHTO S/o Sri Ramdhan Mahto Resident of Ramdih More,
Sector- 9, Biokaro, P.S.- Harla, Duistrict- Bokaro-827009, (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-09-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(A) of the Bihar Prohibition and Excise Act, 2016.

Altogether 10 litres of foreign liquor is said to have been recovered from the car of the petitioner and the driver and one other were caught by police. Petitioner is said to be the owner of the said vehicle.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged



in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the basis of ownership of the vehicle. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Although the car belongs to the petitioner but the same was given to one Pachputae for travelling and he has no knowledge about the said articles loaded in the car. Petitioner has six criminal antecedent, out of which three antecedent is mentioned in para-3 of the bail application and three is as per submission of learned counsel for the petitioner.

Petitioner is agreed to deposit a sum of Rs.5000.00/- (Rupees Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Barun P.S. Case No.274 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5000.00/- (Rupees Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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