

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57739 of 2021**

Arising Out of PS. Case No.-90 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Rajeev Kumar S/O Kari Mahto @ Krishna Kumar Mahto R/O Village-  
Singhiya Ghat, Station Road, P.S-Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      24-01-2022                      Heard.

The petitioner seeks regular bail in connection with Bibhutipur P.S. Case No. 90 of 2021, registered for the offence punishable under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016..

The allegation is regarding recovery of huge quantity of illicit foreign liquor from two pick up vans, which were standing at the alleged place of occurrence. It later on transpired upon information given by the village chowkidar that the petitioner is also one of the person who was



involved in the illicit trade of foreign liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 19.7.2021. The learned counsel for the petitioner has referred to paragraphs no. 7 and 8 of the present petition to submit that neither the petitioner was present at the place or occurrence nor any illicit liquor has been recovered from his conscious possession and in fact he has been falsely implicated in the present case on the basis of the statement of the local chowkidar with whom the petitioner is having inimical terms.

Per contra, the learned APP 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 parties and taking into account the materials available on record as also considering the fact that the petitioner has categorically stated in the present petition that he



has neither been arrested from the place of occurrence nor any illicit liquor has been recovered from his conscious possession, apart from the fact that admittedly the illicit liquor has been recovered from two pick up vans which, according to the petitioner, do not belong to him and were were admittedly standing in the garden of Gopal Choudhary and Sohan Chowdhary, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-II, cum Special Judge, Excise, Samastipur in connection with Bibhutipur P.S. Case No. 90 of 2021.

**(Mohit Kumar Shah, J)**

Tiwary/-

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