

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62632 of 2021

Arising Out of PS. Case No.-159 Year-2021 Thana- BRAHMPURA District- Muzaffarpur

Rakesh Mahto Son of Maheshwar Mahto Resident of Village-Malpur, P.S.-
Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pratima Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with
Brahampura P.S. Case No. 159 of 2021 instituted for the
offences under Sections 272, 273 and 34 of the Indian Penal
Code read with Sections 30(a) and 41 of the Bihar Prohibition
and Excise Act, 2018.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.08.2021, charge-sheet has been
submitted in the case and has antecedent of six cases as
mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that
allegation is of recovery of 2652.390 litres of liquor and 260
bags of white lime from a 10 wheeler truck.



Learned counsel for the petitioner submits that petitioner is neither the owner nor the driver of the truck nor was he arrested from the place of occurrence rather he was implicated based on his criminal antecedent and confessional statement of Dheeraj Kumar and thus was remanded in the present case from Sakra P.S. Case No. 302 of 2019.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 16.08.2021, charge-sheet has been submitted in the case, he was not arrested from the place of occurrence and his name came based on the confessional statement of Dheeraj Kumar, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Brahampura P.S. Case No. 159 of 2021 with a condition that one of the bailors shall be the father of the petitioner (Maheshwar Mahto).

(Satyavrat Verma, J)

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