

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14763 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- KATEYA District- Gopalganj

Rajkumar Mahto S/o Madan Mahto R/o Village- Ratwara Hathua, P.S.- Paru,
Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 08-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Kateya P.S. Case No. 36 of 2023 dated 19.01.2023 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Section 30(a) of the Excise Act, 2018.
3. The main submissions advanced by learned counsel for petitioner are that the instant matter relates to the recovery of 713.340 litres of Indian made English wine which is stated to have been recovered from TATA DCM vehicle and petitioner is alleged to be found in the said vehicle in the capacity of the driver but he had no knowledge of the loaded wine in the alleged vehicle and he was bonafidely performing his duty and he is not the registered owner of the vehicle. Further submissions are that one co-accused namely, Mukesh Sahni who

has been shown as registered owner of the alleged vehicle has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 16785 of 2023 and in the present matter the petitioner has been languishing in jail since 20.01.2023 and against the petitioner the investigation has been completed and both the seizure list witnesses are official persons and the petitioner has fair and clean antecedent.

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

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and the completion of investigation against him, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Kateya P.S. Case No. 36 of 2023.

(Shailendra Singh, J)

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