

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45812 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Rajiv Kumar @ Pappu Kumar Mahto, Son Of Sahdeo Mahto Village
Gangapur Ward No 8 Ps Musarigharari, District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 405 litres of liquor from a cowshed
near the house of Guddu Mishra. Further, one motorcycle was
also seized.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated at the instance of Chaukidar with whom he is on an



inimical term. It is next submitted that it appears that Chaukidar, in order to save the real culprit, falsely implicated the petitioner, when admittedly petitioner is a person with clean antecedent. It is further submitted that petitioner is neither the owner of the seized vehicle, nor the cowshed where alleged recovery was made.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-1, Samastipur in connection with Musarigharari P. S. Case No.42 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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