

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72774 of 2022

Arising Out of PS. Case No.-387 Year-2021 Thana- ROSERA District- Samastipur

AKHILESH KUMAR MAHTO @ AKHILESH KUMAR SON OF DILIP
KUMAR MAHTO R/O VILLAGE- KALBARA, P.S.- ROSERA, DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Adv.

For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the State
through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection
with Rosera P.S. Case No. 387 of 2021 instituted under
Sections 272, 273/34 of the IPC and Section 30(a) of Bihar
Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the police in course of
patrolling was informed that the liquor traders are bringing the
consignment of liquor by a truck which will go from Rahua to
Bujurg Dwar. On receiving the said information, the police team
reached village Milki and saw that on the road in front of
Primary School, Rahua Milki, two persons were trying to hide.
They were taken into custody who disclosed their names as



Arman Malik and Md. Irsad. They disclosed the name of other accused persons which included the petitioner. From the truck as also Pick up van and motorcycle, altogether 1746.690 litres of foreign liquor was/were recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits he is a young boy of 22 years, is studying and has moved to Delhi where he is in a part-time job but due to being him on bad terms with Md. Irsad, he has implicated him. He do not have criminal antecedent, nothing has been recovered from his house and further submission is that irrespective of the outcome of the present case, would like to contribute Rs. 50,000/- towards Patna High Court Legal Services Committee, A/C-1413010060836 through Demand Draft issued by the local State Bank of India branch and will also abide by all the terms and conditions if granted relief.

Learned APP on the other hand opposes the prayer for bail stating that arrested person has named him.

Taking into account the aforesaid facts that the petitioner is a young boy with a long future, do not have criminal antecedent, would be available to police to cooperate in the investigation and appear diligently in trial, nothing



incriminating has been recovered from his house, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 50,000/-, as stated above.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Rosera P.S. Case No. 387 of 2021 to the satisfaction of learned Special Excise Court-I, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the following conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available before the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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