

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41745 of 2024**

Arising Out of PS. Case No.-523 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Raj Kumar Mahto, aged about 30 years, Gender-Male, Son of Late Subedar Mahto, Resident of Village- Jan Tola Bin Toliya, P.S.-Rivilganj, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

ORAL ORDER

2      16-07-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Bhagwan Bazar P.S. Case No. 523 of 2022 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (A) Act, 2018.

3. As per the prosecution case, total 200.69 liters of English wine from different several cartoons has been recovered from the south garden of Ajayabaganj Mathiya garden.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely been implicated in this case merely on the basis of suspicion. He further submits that the petitioner has no knowledge about the



said occurrence and the name of the petitioner transpired in this case only on the basis of suspicion. He next submits that petitioner has no relation with the other co-accused person. The spot in question is an open place does not belong to this petitioner. Petitioner was neither the owner nor the caretaker of the alleged orchard. Nothing has come against the petitioner in whole investigation. There is no any independent witness of the said occurrence. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-II-cum-Ist Exclusive Special Judge Excise, Chapra Saran dated 15.04.2024, it appears that the alleged recovery is from an orchard which is an open place and that orchard does not belongs to the petitioner. There is no any independent witness of the seizure list. Similarly situated co-accused persons namely Pratap Sah @ Pratap Kumar and Rahul Ray @ Rahul Kumar Ray have been granted anticipatory bail by a co-ordinate Benches of this Court in Cr. Misc. No. 8605 of 2024 and 47295 of 2023 vide orders dated 21.02.2024 and 11.08.2023 respectively, so considering all these aspects let the petitioner



above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 2<sup>nd</sup> cum 1<sup>st</sup> Exclusive Special Judge Excise, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 523 of 2022, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Ramesh Chand Malviya, J)**

Anand Kr.

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