

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42852 of 2024

Arising Out of PS. Case No.-134 Year-2023 Thana- BARARI District- Katihar

Rajesh Kumar @ Rajesh Mahto @ Rajesh Kumar Mahto, aged about 27 years, Male, Son of Buddhu Mahto @ Buddhu Mandal, Village- Bishanpur W.No-8, Ps- Korha Dist- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate

For the Opposite Party : Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Barari P.S Case No. 134 of 2023 dated 26.04.2023 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 136.875 litres of illicit foreign liquor was recovered beneath the Bandh in front of the house of the co-accused, Kundan Sahani.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has sprung up in the confessional statement of the co-accused, Kundan Sahani who



has already been granted regular bail by this Court vide order dated 05.07.2023 passed in Cr. Misc. No. 39085 of 2023. Nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made near the house of the co-accused, Kundan Sahani. The petitioner has four criminal antecedents and he is on bail in all the cases as stated in para 3 of the bail petition. The petitioner is in custody since 13.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Katihar, in connection with Barari P.S Case No. 134 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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