

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60046 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- Kawaiya District- Lakhisarai

Rajiv Kumar Mahto @ Rajiv Kumar @ Rajiv Son of Late Kamal Mahto R/O
Vill.- Kiul Basti, Ward no. 22, P.S.- Kabaiya, Dist.- Lakhisarai. At Present
Residing at Village - Jokmaila, P.S.- Lakhisarai , District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 21-08-2024 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 Kabaiya P.S. Case No. 95 of 2024 dated 05.06.2024 registered for the offences punishable u/s 272, 273 of the I.P.C. and Section 30(a), 37 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, *total 400 gms of illicit country made liquor was recovered from the pocket of the co-accused Chhotu Kumar. During the breath analyzer test 63.6 mg/100 ml liquor was found in the body of the Petitioner.*

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The petitioner has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the conscious possession of the co-accused *Chhotu Kumar*. The petitioner has four criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 05.06.2024.

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 nature of allegation levelled against the petitioner and 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, Lakhisarai, in connection with Kabaiya P.S. Case No. 95 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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