

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71755 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- ANDHRAMATH District- Madhubani

Rakesh Mahto Son of Kishan Mahto R/O Vill.- Nirmali, P.S.- Nirmali, Dist.-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Adv.
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Andhramath P.S. Case No. 118 of 2024 registered for the offences punishable under Sections 274, 275, 3 of B.N.S. Act, 2023 and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, petitioner and others are said to have been apprehended on the spot and 159 liters of illicit liquor was recovered from the Scorpio vehicle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the first information report. He has been falsely implicated in this case. Petitioner is not the owner of the Scorpio



vehicle in question. Except suspicion there is nothing on the record to connect the petitioner with the alleged occurrence. Petitioner bears no criminal antecedent and is in custody since 10.07.2024. Learned counsel orally submits that charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that co-accused Md. Sahabuddin and Gagan Kumar Das & Raju Kumar, having similarly and identical allegations, have already been granted bail by this Court in Cr. Misc. Nos. 73017 of 2024 & 73906 of 2024 and the case of the present petitioner stands on similar footing and he deserves the same treatment on the principle of parity.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner was apprehended on the spot.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and the fact that similarly situated co-accused persons have been granted bail by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Jhanjharpur, District- Madhubani in connection with Andhramath P.S. Case No.118 of 2024 (G.R. No. 499 of 2024) subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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