

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81499 of 2024

Arising Out of PS. Case No.-499 Year-2024 Thana- SAKRA District- Muzaffarpur

Rakesh Mahto @ Rajiv Ranjan @ Rajeev Ranjan Son of Maheshwar Mahto
R/O Vill.- Malpur Agrail, P.S.- Sakra, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 28-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Sakra P.S. Case no.499 of 2024 registered under sections
30(a), 32(i)(ii), 36 and 41(i) of the Bihar Prohibition and Excise
Amendment Act, 2018.

3. As per the prosecution case, the informant states
that on seeing police personnel three accused left their Pick-up
Van and managed to escape. On search, a total of 1343.160 liters
of foreign liquor is said to have been recovered from the said
vehicle. The spy disclosed the name of the persons who fled
away as Chanchal Kumar and Rakesh Mahto, the petitioner
herein.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. No recovery has been made from physical or conscious possession of the petitioner. The petitioner is neither the owner nor the driver of the said vehicle. The name of the petitioner has come upon disclosure made by the spy. Learned counsel for the petitioner submits that besides the said disclosure by the spy, there is no other material to connect the petitioner to the present case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that the petitioner has eleven criminal antecedents of same nature. In response, learned counsel for the petitioner submits that in all these cases, the petitioner is on bail and it is due to his criminal antecedent that he has been implicated in the present case.

6. In view of the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Sakra P.S. Case no.499 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court Excise-I, Muzaffarpur, subject to the condition laid down under Section 438(2) of the Code of



Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that the learned Court below would however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedents, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

7. Further, before accepting the bail bonds of the petitioner, the learned Court below would also verify as to whether there is any other material appearing against the petitioner but for the disclosure of spy.

(Soni Shrivastava, J)

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