

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89453 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- PUSA District- Samastipur

Rakesh Mahto @ Sri Rakesh Mahto @ Rajeev Ranjan S/o- Sri Maheshwar
Mahto Vill. Malpur Ps. 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. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Pusa P.S. Case No. 113 of 2024 dated 19.10.2024, instituted for
the offence punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. The allegation is of recovery of 436.185 litres
Indian made foreign liquor from Mango orchard, which belong
to one Sanjiv Choudhary.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. The alleged 436.185 litres Indian made foreign liquor has
been recovered from Mango orchard, which does not belong to
the petitioner rather the owner of said orchard is Sanjiv



Choudhary. It is further submitted that petitioner has no concern with the said place or seized articles. It is next submitted that petitioner has been made accused in this case only on the basis of disclosure made by the local Choukidar. Nothing has been recovered either from the conscious possession or from the house of the petitioner. Lastly, it has been submitted that petitioner has three criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Pusa P.S. Case No. 113 of 2024, he/they shall be released on anticipatory 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 Exclusive Special Judge Excise-I, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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