

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75588 of 2025

Arising Out of PS. Case No.-75 Year-2019 Thana- DAGARUA District- Purnia

Rakesh Mahto @ Rajeev Ranjan S/o Maheshwar Mahto R/o Village- Malpur,
Agrail, P.S.- Sakara, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dagarua PS Case No. 75 of 2019 instituted for the offences
under Sections 30(a), 41, 47 of the Bihar Prohibition and Excise
Act and under Sections 272, 273 of the Indian Penal Code.

3. The prosecution case, in short, is that 1485 liters
liquor was recovered from the truck.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. The petitioner is



neither the owner nor the driver of the said truck. His name has been surfaced on the disclosure made by the co-accused person. The petitioner is in custody since 29.08.2025 and has got 28 criminal antecedents. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. The petitioner has criminal antecedents, hence, he does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dagarua PS Case No. 75 of 2019, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner shall not leave the territorial jurisdiction of the court below without its prior permission.

(Rudra Prakash Mishra, J)

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