

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49082 of 2018

Arising Out of PS.Case No. -175 Year- 2018 Thana -PANCHRUKHI District- SIWAN

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Mukesh Kumar Yadav @ Mukesh Kumar Son of Ramanand Chaudhari
Resident of Village - Ojha Ke Bedheya, P.S. - Jiradei, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh

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

ORAL ORDER

2 10-08-2018 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in Para-10 of the bail petition regarding the period of custody during the course of the day.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 272, 273 and 308/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4 litres of country made liquor is said to have been recovered from the motorcycle and co-accused Gopal Sah was apprehended while two persons managed to escape. The



apprehended accused disclosed the name of the petitioner as one of his fleeing accomplices.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or motorcycle in question. He has been falsely implicated in the case by the apprehended accused due to animosity. Barring the aforesaid disclosure made by the apprehended accused, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. Though two more cases under Excise Act have been lodged against the petitioner, but he is on bail in the aforesaid cases. He has been languishing in custody since 28.06.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge, Excise, Siwan in connection with Pachrukhi P.S. Case No. 175 of 2018.

(Prakash Chandra Jaiswal, J)

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