

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21404 of 2018

Arising Out of PS. Case No.-157 Year-2017 Thana- KAHAIYA District- Muzaffarpur

Mukesh Upadhyay, Son of Yaduvansh Upadhyay, Resident of Village-
Jagdevan Chhapra, P.S.- Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Shailendra Kumar -2, APP

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

ORAL ORDER

2 16-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Kathaiya
P.S. Case no. 157 of 2017 registered under Sections 414, 307,
511, 34 of the Indian Penal Code and Sections 30(a), 32(II) and
38 (II) of Bihar Prohibition & Excise Act-2016.

270 lts. of foreign liquor is said to have been
recovered from Wagon R car and its driver managed to escape
while its occupant namely, Manish Kumar was apprehended
who disclosed the name of the petitioner and other accused
persons involved in the occurrence.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious



physical possession of the petitioner. He has been falsely implicated in the case merely on the confessional statement of Manish Kumar recorded before the police which has no evidentiary value in the eye of law. He has no concern either with the seized liquor or with the said car. Though, two more cases under Excise Act have been lodged against the petitioner, but he is on bail in the said cases. He has been languishing in custody since 14.03.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Kathaiya P.S. Case no. 157 of 2017.

(Prakash Chandra Jaiswal, J)

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