

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18381 of 2018

Arising Out of PS.Case No. -50 Year- 2017 Thana -KACHHAWA District- SASARAM (ROHTAS)

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1. Mukesh Singh S/o Rajendra Singh, Resident of Village-Danwar, P.S.-
Kachhawa, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner seeks bail in a case instituted for the offences
under Sections-30(a) and 37(b) of the Bihar Prohibition and
Excise Act, 2016.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 10-01-2018. Charge-
sheet/prosecution report has been submitted in this case. There is
no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has been made accused due to mistake of
fact. The allegation is of selling liquor. There is no substantive
evidence to show that any liquor has been sold by the petitioner.
There is no recovery of illicit liquor from conscious possession of



the petitioner. The petitioner had no knowledge regarding alleged incident. It is surprising that in the column of FIR, the dead persons name has also been mentioned by the concerned police officer.

I fail to understand how a criminal prosecution can be initiated against a dead person.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Kachhawa P.S. Case No. 50 of 2017.

(Sudhir Singh, J)

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