

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19394 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- ROSERA District- Samastipur

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Mukesh Kumar Singh @ Mukesh Singh, Son of Late Shiv Kumar Singh,
Resident of Village- Sonupur, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.02.2018 in connection with Rosera P.S. Case No. 55 of 2018
registered for the offence punishable under Sections 30(a), (d),
38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that huge quantity of
foreign liquor is in the possession of the petitioner, police
conducted a raid in the house of the petitioner but as he was not
available in the house, police went to the orchard of one Pandit
Ji where one Bolero car was found parked and huge
consignment of foreign liquor was found unloaded and some
loaded in the car which came to 267 litres. Petitioner along with



other co-accused was apprehended who disclosed the name of other persons who had escaped. Accordingly, seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent as stated by the petitioner in paragraph 3 of his application and that he has been falsely implicated just because Bolero car belongs to him. He submits that large number of persons were apprehended and even the place of seizure was the orchard and not his house. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Rosera P.S. Case No. 55 of 2018, subject to the conditions that:

(1) One of the bailors would be close



relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/Ragini

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