

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84428 of 2019**

Arising Out of PS. Case No.-388 Year-2019 Thana- GAYA KOTWALI District- Gaya

Mukesh Kumar Son of Lootan Yadav, Resident of Village- Chhotaki Nawada,
Gandhi Chowk, P.S.- Delha, District- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-12-2019 Heard learned counsel for the petitioner and learned
APP for State.

The petitioner in this case is seeking anticipatory bail in connection with Gaya Kotwali P.S. Case No. 388 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to village rivalry. It is further submitted that the nothing has been recovered from the conscious possession of the petitioner and motorcycle in question does not belong to the petitioner. Petitioner has no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.



Considering the facts and circumstances of the case wherein the name of the petitioner has been taken by the apprehended accused from whose possession 94 pieces of 200 ml. Beer have been recovered and it is the contention of the petitioner that the motorcycle in question does not belong to him, he has falsely been implicated in this case due to village rivalry and has no criminal antecedent, let the petitioner in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya in connection with Gaya Kotwali P.S. Case No. 388 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/ved

U		T	
---	--	---	--

