

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29659 of 2020

Arising Out of PS. Case No.-440 Year-2020 Thana- MADHEPURA District- Madhepura

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MUKESH KUMAR Son of Sikandar Yadav Resident of Village- Bandha,
Ward No.11, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Dr.Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-11-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

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) of Bihar Prohibition and Excise Act,
2016.

Prosecution case, in short, is that 3353.760 liters wine is
recovered.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 24.06.2020 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 3353.760 liters wine is recovered from the truck. The truck in question does not belong to the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no recovery of any incriminating article from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let 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 Special Judge, Excise, Madhepura in connection with Excise Act case No.351 of 2020 arising out of Madhepura P.S. case No.440 of 2020.

(Sudhir Singh, J)

Narendra/-

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