

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23684 of 2021**

Arising Out of PS. Case No.-7 Year-2021 Thana- LAKHNAUR District- Madhubani

MUKESH KUMAR Son of Suresh Yadav Resident of Village - Biarpur, P.S.
- Lakhnour, District - Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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

2 20-09-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Sanjay Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Lakhnour P.S. Case No. 07 of 2021 registered for the offences punishable under Sections 341, 323, 353, 504, 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information the informant along with other police personnel raided the alleged place of occurrence and found total 504.9 liters of foreign liquor loaded

in Pickup Van in front of the house of the father of the petitioner. On inquiry, it was found that the said pickup van is of a woman and she stated that she does not know about this, her son and her husband will tell about this. When her husband and her son came there they started abusing and assaulting the police party.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the illicit liquor recovered from the pickup van. The petitioner is in custody since 19.01.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that alleged recovery of liquor has been shown from a pickup van standing in front of the house of the father of the petitioner, the name of the petitioner has been brought in this case with sole intention to implicate the whole family and that the petitioner is in custody since 19.01.2021, he has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of

Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Lakhnaur P.S. Case No. 07 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.