

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35323 of 2021**

Arising Out of PS. Case No.-138 Year-2020 Thana- SINGHIYA District- Samastipur

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MUKESH YADAV @ MUKESH KUMAR Son of Raj Kumar Yadav
Resident of Village - Kavilashi, P.S. - Singhiya, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Singhiya P.S. Case No. 138 of 2020 for the offence registered
under Section 30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 315 litres of
illicit liquor from a truck and 25 litres from the house of the co-
accused person. The name of the petitioner is stated to have
transpired in the present case upon disclosure made by the
village Choukidar, who is stated to have disclosed that the person
who had fled away, was the petitioner.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing in
custody since 11.03.2021. The learned counsel for the petitioner



has further submitted that no illicit liquor has been recovered either from the conscious possession of the petitioner or from his house or from his vehicle and he has been roped in the present case falsely.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is neither the owner of the vehicle in question nor of the house in question, from which illicit liquor has been recovered, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II-cum-Special Judge, Excise Act, Samastipur in connection with Singhiya P.S. Case No. 138 of 2020.

(Mohit Kumar Shah, J)

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