

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34821 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- SAUR BAZAR District- Saharsa

Mukesh Yadav @ Mukesh Kumar, Son of Mahatma Yadav, Resident of
Village - Jamhra, P.S.- Sonbarsa Raj, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate.

For the Opposite Party/s : Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 05-04-2021 As prayed for, let the learned counsel appearing for the
petitioner remove the defect(s), as pointed out by the office, within
four weeks of starting of the Court proceeding in physical mode in
normal course.

Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Special (Excise) Case No. 106 of 2020, arising out of Sour Bazar
(Patarghat O.P.) P.S. Case No. 82 of 2020, registered under Sections
272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar
Excise Act, 2016.

The accusation is that in course of patrolling duty, one
tempo was seen in suspicious condition then search was made by the
informant and other police personnel. In that course, 1900 pouches



each containing 200 ml country made liquor recovered concealed in the concealment box of the tempo and two persons found sitting in the said tempo, who disclosed their names as Kundan Yadav and Shrawan Yadav. On query, Kundan Yadav introducing himself as driver of the tempo and also disclosed the name of petitioner as owner of the said tempo.

Learned counsel for the petitioner submits that, in fact, petitioner is the owner of the tempo and same was handed over to co-accused, Kundan Yadav to ply on fare and the petitioner had no knowledge about keeping the illicit liquor in the concealment box in the tempo. Further submission is that petitioner is accused in one another case, i.e., similar nature of case.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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

