

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39002 of 2020

Arising Out of PS. Case No.-341 Year-2018 Thana- HUSSAINGANJ District- Siwan

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MUKESH KUMAR @ MUKESH CHAUDHARY Son of Ashok Chaudhary
@ Ashok Pasi Resident of Village- Aranda, P.S.- Hussainganj (MH Nagar),
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Binod Kumar no. 3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-05-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Binod Kumar no.3, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hussainganj (M.H. Nagar) PS case no. 341 of 2018 registered for the offences punishable under Sections 272, 273, 420/34 of Indian Penal Code and 30(A) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 5 litres of illicit mahua wine from the house of the petitioner.



At the outset, the learned counsel for the petitioner submits that the petitioner shall be surrendering before the Ld. Court below and seeking regular bail, however Ld. Court below be directed to consider the fact that the petitioner is having a clean antecedent and that the seizure list has not been prepared in accordance with the provisions contained in Section 100 of the Cr.P.C., resulting in the seizure list being vitiated in the eyes of law.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner not opposed by the learned APP for the State Sri Binod Kumar no. 3, I deem it fit and proper to dispose of the present petition as not pressed, however with liberty to the petitioner to surrender before the learned court below within a period of 12 weeks from today, whereupon the learned court below shall consider the case of the petitioner for grant of regular bail sympathetically, in view of the fact that trivial quantity of illicit liquor has been recovered as also the petitioner is having a clean antecedent and dispose of the regular bail petition of the petitioner on the very same day of filing of the same.

It is needless to state that for a period of 12 weeks



from today, no coercive action shall be taken against the petitioner herein.

The present petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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