

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15573 of 2022

Arising Out of PS. Case No.-252 Year-2020 Thana- KATORIYA District- Banka

MUKESH KUMAR Son of Late Ram Singh Resident of Village - charo Ward
No.9, P.s.- Warisnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh
		Mr.Udbhav
For the Opposite Party/s :		Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Katoriya Police Station Case No. 252 of 2020, registered for the
offences punishable under Sections 30 (a)/56 (d) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that 907.78 litres of illicit liquor has been recovered
from a pick-up van of co-accused Ranjit Yadav, which was
being driven by co-accused Md. Shahid Raza.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case with oblique



motive. He further submits that the petitioner has been made accused in this case merely on the basis of the fact that he is the registered owner of mobile no. 9525235482. He further submits that though the mobile no. 9525235482 is registered in the name of the petitioner, but from perusal of the First Information Report, it would be evident that co-accused Ram Baba was giving instruction to co-accused Kamlesh Ram on his mobile phone by the said mobile number. He further submits that the petitioner is neither the owner nor the driver of the pick-up van, in question and no illicit liquor has been recovered from his conscious possession and/or vehicle belonging to him. He further submits that co-accused persons, namely, Kamlesh Ram, Md. Shahid Raza (driver of the pick-up van) and Ranjit Yadav (owner of the pick-up van) have been granted bail by co-ordinate Benches of this Court. He further submits that the petitioner is in custody since 28.01.2022, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is neither the owner nor



the driver of the pick-up van, co-accused persons have been granted bail by this Court, no illicit liquor has been recovered from the possession of the petitioner, charge sheet has already been submitted and the petitioner is in custody since 28.01.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Banka, in connection with Katoriya Police Station Case No. 252 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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