

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31408 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. VAKIL RAI Son of Lakshmi Rai Resident of Village - Chakki, P.S.- Gaighat, Dist.- Muzaffarpur.
2. Mukesh Singh @ Mukesh Kumar Singh Son of Ramekwal Singh Resident of Village - Chandpura, P.S.- Gaighat, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-02-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Gaighat P.S. Case no. 11 of 2021 instituted for the offence under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.



Prosecution case relates to recovery of 248 litres of IMFL from the house of the co-accused Mukesh Paswan.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by the apprehended co-accused, namely, Vijay Thakur and Mukesh Paswan, which has no evidentiary value in the eye of law. He has no concern with the alleged recovery. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Gaighat P.S. Case no. 11 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,



(Excise), Muzaffarpur subject to the conditions as laid down
under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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