

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37049 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- GAIGHAT District- Muzaffarpur

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MUKESH KUMAR SHARMA @ MUKESH SHARMA Son of Sri Shankar
Sharma Resident of Village- Ramauli, P.S.- Gaighat (Benibad O.P.), District-
Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-01-2022 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 272, 273, 414
and 34 of the Indian Penal Code and sections 30(a), 36 and
41(1) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on a raid being
conducted in the house of a co-accused, a total of 222.375 litres
of liquor is said to have been recovered. Thirteen named
accused persons were identified and named in the F.I.R..

It is submitted by learned counsel for the petitioner
that the petitioner is not named in the F.I.R. Referring to the
order of the learned court below wherein the learned trial court



refers to paragraph no.39 of the case diary, it is submitted that name of the petitioner transpired in the confessional statement of co-accused Rajiv Kumar made before police. No incriminating article has been recovered from the petitioner's possession who has no criminal antecedent and is in custody since 23.3.2021. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case especially the petitioner not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Gaighat P.S. (Benibad O.P.) Case no.101 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur.

(Partha Sarthy, J)

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