

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43335 of 2021**

Arising Out of PS. Case No.-101 Year-2021 Thana- BENIPATTI District- Madhubani

MIKKU KUMAR @ MIKKU NAYAK @ NIPPU NAYAK SON OF
KISHUN NAYAK Resident of Village - Saharghat Ward No.2, P.O. and P.S.-
Saharghat, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 03-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Benipatti Police Station Case No. 101 of 2021, registered for the
offences punishable under Sections 272/273/414/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police intercepted three vehicles, i.e. one
Hundai Grand I-10 car, one scorpio and one pick-up van and
recovered 90 litres, 450 litres and 1620 litres respectively and
the petitioner is said to be sitting in the Hundai Grand I-10
vehicle along with the driver of the Hundai Grand I-10 vehicle.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive and he has not committed any offence in the manner alleged. He further submits that the petitioner is neither the owner nor the driver of the vehicle, in question and he has only taken lift from the driver of the vehicle, in question. He further submits that the owner of the pick-up van, from whose vehicle, a total quantity of 1620 litres of illicit liquor has been recovered, has been granted bail by co-ordinate Bench of this Court, vide order passed in Criminal Misc. No. 41986 of 2021. He further submits that two persons, arrested from the scorpio vehicle, from whose vehicle, a total quantity of 450 litres of illicit liquor, has been recovered, have been granted bail by this Court, vide orders passed in Criminal Misc. No. 42065 and 42361 of 2021. He further submits that the petitioner is in custody since 18.05.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner is not the owner of the vehicle, in question, he is in custody since



08.05.2021, co-accused persons have been granted bail by this Court, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Madhubani, in connection with Benipatti Police Station Case No. 101 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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