

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49999 of 2022

Arising Out of PS. Case No.-105 Year-2020 Thana- NIMACHANDPURA District- Begusarai

Mukesh Kumar Choudhary @ Mukesh Kumar Son of Budhdeo Choudhary @
Buddhu Choudhary Resident of Village - Barsauni Mohammadpur, Police
Station - Dagarua, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra, Adv.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Neemchandpura P.S. Case No. 105 of 2020, lodged under
Sections 420 and 120(B) of the Indian Penal Code read with
Section 30(a) of the Bihar Excise Prohibition Act, 2016.

As per the prosecution case, the recovery of 3897 liter
of wine is the subject matter of the present case in which the
name of the petitioner has not been mentioned in the F.I.R.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned

counsel also submits petitioner is not named in the F.I.R., but his name has been figured by confessional statement of the co-accused who is driver, who has not disclosed the name rather disclosed the mobile number, from which he used to get instructions and during investigation, it has been found that this mobile number belongs to the father of the petitioner. Learned counsel further submits that petitioner is completely innocent and he is in custody since 13.05.2022 and, charge-sheet has already been filed in this case. On the point of antecedent, learned counsel also submits that there are 6 criminal cases pending against the petitioner, and out of 6 cases, 2 cases relating to robbery, *dacoity* and 4 cases relating to excise matter and in all the cases, he has already been granted bail by the Court below itself.

Learned A.P.P. for the State opposes the prayer for bail and submits that he appears to be the kingpin having criminal antecedent and 4 cases relating to Excise Act.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner but liberty is hereby granted that he shall renew his prayer for bail after framing of charge.

Trial Court is directed to release the petitioner on bail

after imposing its own conditions on him, so that he may not evade his appearance during trial.

With this observation, the bail application stands **rejected**.

(Dr. Anshuman, J.)

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