

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50477 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- BARH District- Patna

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Mukesh Kumar, S/o- Shivvalak Yadav Shivalak Yadav @ Shivalak Prasad
Yadav, Resident of village- Talimpur, Gulab Bagh, (Laheria Pokhar), P.S.-
Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Barh P.S. Case No. 325 of 2021 registered for
the alleged offences under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of 204 liters of
illicit liquor was made from a white colour magic vehicle. The
petitioner is stated to have fled away from the spot and was
named by the people who assembled there.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is a case of mistaken identity. The allegation should be against another Mukesh Kumar. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 10.08.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Act, Barh in connection with Barh P.S. Case No. 325 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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