

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51078 of 2022

Arising Out of PS. Case No.-183 Year-2022 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.Anant Kumar No.1, 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), 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. 183 of 2022 registered for
the alleged offences under Sections 307, 353, 332, 333 and 34
of the Indian Penal Code, Section 27 of the Arms Act and
Sections 30(a) and 45 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, recovery of 84.500 litres of
India made foreign liquor was made from a sack which was left
behind by four persons who escaped on seeing the police party.



The petitioner is stated to be one of the accused persons who fled away from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case under a misconception. It is a case of mistaken identity. The petitioner has no concern with the allegedly seized liquor. 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 the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and large number of cases are pending against him.

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 also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Barh, Patna in



connection with Barh P.S. Case No. 183 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on 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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