

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 62774 of 2021**

Arising Out of PS. Case No.-131 Year-2019 Thana- KALUAHI District- Madhubani

MUKESH KUMAR PRASAD @ MUKESH KUMAR S/O BINOD PRASAD @ BINOD KUMAR PRASAD R/o village- Biraut, P.S.- Pandaul, Distt.- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Kaluahi Police Station (for brevity, *PS*) Case No 131 of 2019 corresponding to GR No 1763 of 2019 registered on 17.09.2019 for the offence punishable under Sections 272, 273 of Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2016.

1500 liters of Nepali liquor has been recovered from a pick up van. Petitioner is stated to be owner of the pick up van.

The learned counsel submits that the petitioner was not present at the place from where the recovery has been made. Only that the vehicle was registered in his name, the petitioner



has been made accused in the instant case, though prior to the alleged occurrence, the vehicle had already been sold and transferred in favour of someone else. He is stated to be in custody since 01.09.2021 and is on bail in Madhubani Town PS Case No 307 of 2018. It is also submitted that other co-accused Naresh Paswan, similarly situated as the petitioner, has been allowed bail by this Court in Cr Misc No 8709 of 2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody and claim, based on parity, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in Kaluahi PS Case No 131 of 2019 corresponding to GR No 1763 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

