

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55282 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- RANIYATALAB District- Patna

Mukesh Kumar Rai @ Mukesh Kumar S/O Sahdeo Rai Resident Of Village-
Chakchuchar, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey ,App, 84, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 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 Ranitalab P.S. Case No. 151 of 2021 registered
for the alleged offences under Sections 467, 468, 420/34 of the
Indian Penal Code and Section 30 (A) of the Bihar Prohibition
Act and Excise Act.

As per prosecution case, a truck was intercepted on
the basis of secret information and recovery of 8200 litres of
spirit was made from this truck. The co-accused driver was
apprehended who named this petitioner for being involved in
transportation of the said spirit which was to be used for



manufacturing of country made foreign liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is neither the owner nor the driver of the allegedly seized truck nor the allegedly recovered liquor. The petitioner is in custody since 02.03.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and is accused in two cases of similar nature.

Having regard to the 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 his period of custody, 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-Danapur, Patna in connection with Ranitalab P.S. Case No. 151 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 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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