

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59215 of 2022

Arising Out of PS. Case No.-365 Year-2021 Thana- SAKRA District- Muzaffarpur

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Mukesh Kumar, Son of Yogendra Mahto R/V- Basantpur, Bakhri, P.S- Sakra,
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

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 Sakra P.S. Case No. 365 of 2021 registered for the
alleged offences under Sections 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, police received secret
information about storage of illicit liquor in the joint house of
petitioner Mukesh Kumar and co-accused Santosh Kumar. Police
reached the house of the petitioner Santosh Kumar and three
miscreants fled away from the said house. On search of the house,
867.960 liters of India made foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. It is apparent from the F.I.R. that the place from where the recovery has been made, is joint family house and it is also apparent that liquor was not recovered from the conscious possession of this petitioner. The said house is not residential and petitioner was having no knowledge that liquor was kept in the said joint family house. Two co-accused persons who are stated to have fled away from the spot have been granted anticipatory bail passed in Cr. Misc. No. 22903 of 2022 and Cr. Misc. No. 24698 of 2022, respectively by a Coordinate Bench of this court and the case of the petitioner is similarly placed. Charge sheet has been submitted in this case and the petitioner is in custody since 02.08.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Sakra P.S. Case No. 365 of 2021, 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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