

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56806 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Mukesh Kumar S/O Ramanand Yadav R/O Village- Bharrahi, Ward No.-5,
Saharsa, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra, Advocate.
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Bal Krishna Mishra, learned counsel for
the petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Simri Bakhtiyarpur (Bakhtiarpur) P.S. Case No.165 of 2022, registered for the offences punishable under Sections 30(a), 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegedly, in course of patrolling the police on a secret information with regard to the trafficking of illicit wine intercepted a Sonalika Tractor escorted by two motorcycle rider and in course of search 618 liters 75 ml of illicit Indian made foreign liquor was recovered from the said tractor.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has been made accused in the present case in the capacity of being owner of the Sonalika Tractor, which was seized by the police during the course of patrolling. He further submits that the falsity of the case is writ large for the simple reasons that on the alleged date of occurrence the petitioner was in custody in connection with Chandan P.S. Case No.63 of 2022. The petitioner made it clear that he remained in custody since 26.03.2022 to 20.08.2022 and the present alleged occurrence took place on 02.05.2022. He next submits that in fact the tractor was being used for the purposes of carrying the goods on rent and while he was in custody he was not even aware as to what articles are being loaded by his driver without his consent. He lastly submits that the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying one criminal antecedent of similar nature.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been made accused in this case in the capacity of owner of the tractor, which was being run for transportation of the goods



by the driver, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Saharsa in connection with Simri Bakhtiyarpur (Bakhtiarpur) P.S. Case No.165 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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