

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56956 of 2023

Arising Out of PS. Case No.-180 Year-2020 Thana- GUTHANI District- Siwan

=====

MUKESH KUMAR YADAV S/o- Late Gautam Yadav Village- Bhaisakhal
Ps- Jeradei Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Ajay Kumar Tiwary, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Guthni P.S. Case No. 180 of 2020, registered for the
offences punishable under Sections 279, 337 and 338 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. Allegedly, in course of patrolling, the police
intercepted a Bolero, however, on noticing the police personnel
the person, who is seated in the vehicle succeed in fleeing away.
On search, 504 litres country-made liquor was recovered and a
Redmi mobile was also found near the Bolero vehicle.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has been made accused in this case in the capacity of the holder of the mobile number and there is no other incriminating material suggesting his complicity. That apart, even as per the FIR, the mobile in question has been recovered near the Bolero and not from the Bolero from where the alleged illicit wine has been recovered. He further submits that in fact in the year 2020 itself the suspected mobile was lost, however, unfortunately, he could not give any *sanha* with regard to missing of his mobile. He next submits that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application.

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 the crime only in the capacity of he being the holder of the mobile and there is no other material, coupled with the his fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon



furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special judge, Excise Court No. I, Siwan in connection with Guthni P.S. Case No. 180 of 2020, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

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

