

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58798 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- PUSA District- Samastipur

Mukesh Kumar Son of Chandeshwar Singh R/o vill - Madhusudanpur, ward
no. 11, Dubha Buzurg, P.S. - Sakra, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Despite repeated call, no one appears on behalf of the
petitioner, however, A.P.P. for the State appeared.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act (Amendment) Act.

3. As per the prosecution case, the total recovery of
331.560 litre foreign liquor has been made from a Bolero pick-
up van, which is the subject matter of the present case. Upon
perusal of the record, it transpires to this Court that the
petitioner is not named in the F.I.R.

4. Learned counsel for the petitioner submits that the
petitioner has neither been apprehended from the place of
occurrence, nor anything has been recovered from his
possession. Counsel submits that the petitioner has been made

accused in this case only due to the reason that he is the owner of the aforesaid vehicle. From the record, it also transpires that the antecedent of the petitioner is clean.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that from the seizure list, it transpires that the petitioner was not present at the place of occurrence. It is true that the excise material was loaded on the vehicle but the said vehicle shall always be subject to confiscation as per the present Excise Law. Counsel also submits that the antecedent of the petitioner is clean.

6. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks' from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise) 1, Samastipur, in connection with Pusa P.S. Case No. 71 of 2023, dated 12.06.2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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