

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75509 of 2023**

Arising Out of PS. Case No.-239 Year-2023 Thana- ARIYARI District- Sheikhpura

1. Mukesh Kumar Singh S/O Mukund Singh R/O Village- Fulwariya, P.S- Chauparan, Distt.- Hazaribagh, State- Jharkhand.
2. Mukesh Kumar Prajapati S/O Late Ritu Prajapati R/O Village- Badam, P.S- Sarkgawan, Distt.- Hazaribagh, State- Jharkhand.
3. Nitish Kumar S/O Sahdeo Yadav R/O Village- Parsatri, P.S- Chauparan, Distt.- Hazaribagh, State- Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      29-11-2023                      Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have prayed for bail in a case registered for the offence punishable under sections 30(a)/32/41 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 94.5 litres of IMFL from tempo and motorcycle and petitioners were arrested on spot.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. Provision of Section 100 CR.P.C. has not been



followed by the police officials while preparing the seizure list. Petitioners are languishing in judicial custody since 19.08.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Petitioner no. 2, namely, Mukesh Kumar Prajapati is directed to deposit Rs. **5,000/- (Rs. Five thousand)** in the concerned DLSA.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Judge, Excise Court No. 1-cum-Additional Distt. And Sessions Judge-II, Sheikhpura in connection with Ariari P.S. Case No. 239 of 2023.

The bail bonds of the petitioner no. 2, namely, Mukesh Kumar Prajapati, shall be accepted by the learned court below on showing receipt of deposit of Rs. **5,000/-**



**(Five thousand only)** by the petitioner no. 2 in the account  
of concerned DLSA.

**(Sunil Kumar Panwar, J)**

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