

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72983 of 2023

Arising Out of PS. Case No.-630 Year-2023 Thana- NAUBATPUR District- Patna

Mukesh Kumar, aged about 41 years, male, S/O Surender Kumar, Resident Of
Village- Naubatpur, P.S.- Naubatpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate and Mr. Samrendra Kumar Jha, Advocate
For the Opposite Party	:	Mr. Ramesh Chandra, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-11-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Naubatpur P.S. Case No. 630/2023 dated
06.09.2023 registered for the offence punishable under Sections
30(a), 32 and 38 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

4. As per the prosecution case, 115.365 litres of
foreign made liquor was recovered beneath underconstructed
stair, situated behind the house of the petitioner.



5. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. It is submitted that earlier the petitioner has made a complaint against the Sub-Inspector of Police, namely, Khushboo Khatoon, who is one of the members of the raiding team of the present case. It is further submitted that the petitioner has lodged Naubatpur P.S. Case No. 482/2022 against unknown under Section 379 of the I.P.C. regarding theft of his tractor and trolley. Thereafter, police recovered the same where the trolley was found to be attached with another tractor but police did not take any action against the owner (thief of the tractor/trolley of the petitioner) of the said tractor rather the Sub-Inspector of Police, Khushboo Khatoon, gave no objection for the release of the said tractor. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application. No case is made out against the petitioner.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Danapur in connection with Naubatpur P.S. Case No. 630/2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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