

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8967 of 2024

Arising Out of PS. Case No.-18 Year-2022 Thana- BANGARA District- Samastipur

Mukesh Choudhary @ Mukesh Das @ Mukesh Kumar Chaudhary S/O- Late
Gauri Shankar Chaudhary R/O- Village- 40, Dolaigaon, P.S.- Bongaigaon,
Dist.- Bongaigaon, Assam.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Shanti Bhushan Singh, Advocate
For the State : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bangara P.S. Case No. 18 of 2022 instituted for the offence
under Section 272/273 of the IPC and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. As per prosecution case, there is recovery of total
3546 liters of illicit foreign liquor from truck bearing
Registration No. MH19Z-5715.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 11-12-2023. Petitioner
bears two criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has been disclosed by one 'Bharat Bhaskar', who has been allowed bail by Co-ordinate Bench of this Court *vide* order dated 05-08-2022, passed in Cr. Misc. No. 27246 of 2022. Petitioner has no concern with the alleged recovered liquor. Petitioner is neither the owner nor the driver of the vehicle in question. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and manner of implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bangara P.S. Case No. 18 of 2022.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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