

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13758 of 2024

Arising Out of PS. Case No.-71 Year-2018 Thana- PHULPARAS District- Madhubani

Mukesh Kumar Son Of Rup Chand R/O Village- Foozilapur, Ninana, P.S.-
Bagapat, District- Bagapat (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

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

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

ORAL ORDER

2 28-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Phulparas P.S. Case No. 71 of 2018 instituted for the offences
punishable under Sections 272, 273/34 of the Indian Penal Code
and Sections 30(a)(d)/32(2)/36/38(1) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total 2797.46
litres of liquor was recovered from a truck.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted



that petitioner is neither the owner nor the driver of the vehicle. Petitioner has no concern with the alleged recovery of liquor. Charge-sheet has been submitted in this case. The petitioner is in custody since 24.06.2023 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Phulparas P.S. Case No. 71 of 2018.

(Rudra Prakash Mishra, J)

Alok Verma/-

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