

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23944 of 2024

Arising Out of PS. Case No.-7 Year-2018 Thana- JANTA BAZAR District- Saran

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Mukesh Kumar Singh SON OF AWADHESH SINGH Village -Banwar PS-
Daudpur District -Sarna at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 09-08-2024 1. Heard the learned counsel for the petitioner and the
learned counsel for the State.
2. The petitioner seeks anticipatory bail in connection
with Janta Bazar P.S. Case No.07 of 2018, registered for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016 (hereinafter referred to as the ‘Act, 2016’).
3. The allegation is regarding recovery of 760.320
liters of illicit liquor from a motorcycle, from a Scorpio vehicle
and from behind the bushes.
4. The learned counsel for the petitioner has submitted
that the petitioner is innocent, he has been falsely implicated in
the present case and he is having a clean antecedent. The
learned counsel for the petitioner has further submitted that no



recovery has been made from the conscious possession of the petitioner and neither the motorcycle nor the Scorpio vehicle in question belongs to the petitioner and merely on the basis of the confessional statement of the co-accused person, namely, Navin Kumar Singh, who is the registered owner of the said Scorpio vehicle, to the effect that the aforesaid Scorpio vehicle was sold by him to the petitioner, the petitioner has been falsely implicated in the present case, however, no evidence has been brought on record to demonstrate that the Scorpio vehicle was sold to the petitioner. Thus, it is submitted that no case is made out under the provisions of the Act, 2016, hence the bar under Section 76(2) of the Act, 2016, shall not be an impediment for grant of bail to the petitioner. It is also submitted by the learned counsel for the petitioner that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Court by an order dated 27.02.2018, passed in Cr.Misc.No.11615 of 2018, as also by a co-ordinate Bench of this Court by an order dated 18.04.2019, passed in Cr.Misc.No.25058 of 2019.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of



the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also noting the categorical averment of the petitioner to the effect that neither the motorcycle nor the Scorpio vehicle, from which the illicit liquor was recovered, belongs to the petitioner, apart from the fact that no recovery of illicit liquor has been made from the conscious possession of the petitioner as also he has not been arrested from the spot and is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Janta Bazar P.S. Case No.7 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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