

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31289 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- Excise P.S. District- Samastipur

Mukesh Kumar @ Mukesh Kumar Yadav @ Mukesh Kumar Ray Son Of
Devendra Ray Resident Of Village - Mehsari, Police Station - Ujiyarpur,
District - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
in connection with Samastipur Sadar Excise P.S. Case No. 92 of
2024, registered for the offences punishable under section 30(a)
of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 375 ml. of illicit
foreign liquor was recovered from the dicky of the motorcycle,
parked at premises of the petitioner's house.

4. Learned counsel for the petitioner has submitted hat
the petitioner is innocent and has falsely been implicated in this
case. The petitioner has no criminal antecedent as stated in para
3 of the bail petition. Learned counsel further submitted that



nothing has been recovered from the conscious possession of the petitioner rather the recovery is made from the open place which is accessible to anyone. Learned counsel submitted that the petitioner is the owner of the seized motorcycle.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and submitted that the alleged recovery is made from the motorcycle parked at premises of the petitioner’s house which is under control of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below shall consider his prayer for regular bail on the same day without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

Ranjeet/-

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