

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49810 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- MIRGANJ District- Gopalganj

Mukesh Kumar @ Mukesh Chaudhary Son of Mundrika Chaudhari @
Mundirka Chaudhary Resident of village - Jigna, Tota Ramke Tola, Police
Station - Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Bharat Bhushan

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

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in Mirganj
P.S. case No. 165 of 2024 registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The prosecution allegation, in short, is that 450
liters liquor was recovered from the garden.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has got one criminal antecedent in
which he is on bail. The name of the petitioner has transpired on
the basis of disclosure made by local people. No incriminating
material has been recovered from the conscious possession of



the petitioner. It is further submitted that recovery is made from the garden which does not belong to the petitioner and the same is an open place accessible to one and all. The petitioner has got no knowledge and concern with the alleged recovery of liquor. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that the petitioner is named in the F.I.R.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Mirganj P.S. case No. 165 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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