

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52798 of 2024

Arising Out of PS. Case No.-273 Year-2024 Thana- Excise P.S. District- Kishanganj

Mukesh Kumar Singh @ Mukesh Kumar, Son of Baidhnath Prasad Singh,
R/o Village- Bishanpur ,Ward No. -6, P.S.& Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-08-2024 Heard Mr. Pawan Kumar Singh, learned counsel for

the petitioner and Mr. Ramchandra Sahni, learned APP for the

State.

2. The petitioner apprehends his arrest in connection with Special Case No. 277/2024 arising out of Madhya Nisedh (Utpad) P.S. Case No. 273/2024 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition & Excise Act.

3. Learned counsel appearing for the petitioner submits that the instant matter relates to the recovery of 61.830 litres of illicit foreign liquor of different brands and the same is stated to have been recovered from a vehicle (*Honda Amez*) but from bare perusal of the FIR as well as the Seizure list, it would appear that the petitioner was not present at the time of search



and seizure of the alleged liquor and even in the FIR, the petitioner's name does not appear and his name surfaced during course of investigation by the police only on the ground that he is the registered owner of the alleged vehicle. Learned counsel further submits that the co-accused, namely, Mayank Kumar is the son of the petitioner and he took the alleged vehicle from his mother on the pretext to attend his friend's marriage and the petitioner was not aware of the alleged offence, so, he can not be made responsible for the same and he has fair and clean antecedent.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Having considered the submissions noted hereinabove and mainly the petitioner's plea that the alleged vehicle which admittedly belongs to him, was misused by his son and his son's companions who were apprehended with the alleged liquor while transporting the same by using his vehicle and also keeping in view the fair and clean antecedent of the petitioner and the basis of making the petitioner as an accused is only on the ground that he is the registered owner of the seized vehicle, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Special Case No. 277/2024 arising out of Madhya Nisedh (Utpad) P.S. Case No. 273/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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