

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50899 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- RAJAOLI District- Nawada

Mukesh Kumar @ Mukesh Yadav S/O Vijay Yadav R/O Village- Barwa, P.S-
Rajauli, Distt.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s : Mrs .Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Rajauli P.S. Case No. 176 of 2024 instituted under Section
30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, two motorcycles have
been seized containing 90 litres *mahua* liquor, out of which
from one motorcycle 40 litres liquor and from another
motorcycle 50 litres liquor has been seized. The allegation
against the petitioner is that his father is the owner of the one
motorcycle and the petitioner fled away from the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. The petitioner has no concern with the motorcycle or the



seized liquor and he was neither present on the spot nor any incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is living separately from his father having no concern with the motorcycle of his father. The petitioner has one criminal antecedent which is not under the Excise Act. Petitioner undertakes to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to each to the satisfaction of the learned Exclusive Special Court Excise-2, Nawada in connection with Rajauli P.S. Case No. 176 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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