

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70596 of 2024

Arising Out of PS. Case No.-209 Year-2020 Thana- JOKIHAT District- Araria

Mukesh Kumar, S/o Arvind Paswan, Resident of Punarva, Ward No. 01,
Police Station and Distt.- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Ms. Meena Singh, Addl.PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Jokihat P.S. Case No. 209 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, on 23.06.2020 the informant along with other police officials while on patrolling duty, saw a tempo bearing registration no. BR50P-317 coming from east but on seeing the police party, the tempo driver turned the tempo and tried to flee away but on chase, tempo driver got apprehended who disclosed his name as Aman Kumar. On search of the said tempo, total 102.375 liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that this petitioner had already sold the said tempo to one Kundan Kumar and the tempo was being driven by one Aman Kumar who had not named this petitioner.

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

6. Having regard to the submissions that this petitioner had already sold the tempo to one Kundan Kumar on 18.12.2019 and in this connection, the affidavit of Kundan Kumar and Form - 29 and 30 under the Central Motor Vehicles Rules have been shown to this Court and further that from the FIR itself it appears that when the liquors were seized from the tempo, the tempo was being driven by one Aman Kumar, who had not named this petitioner, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Jokihat P.S. Case No. 209 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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