

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71291 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- TANKUPPA District- Gaya

Mukesh Kumar Son of Dhanraj Yadav Resident of Village - Bagai, P.S. -
Fatehpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Adv.

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Tankuppa P.S. Case No. 137 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, the police has recovered
total 150 liters illicit country-made liquor (*Desi Mahua*) from
the *Bora* kept on the black colour Hero Splendor Plus
motorcycle bearing Regd. No. JH-02-BJ-7411 being driven by
the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case due to dirty village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is not the owner of the alleged motorcycle and has also no concern with the seized country-made *Chulai* wine. He further submits that the entire article has been recovered from the road side and due to suspicion, the petitioner has been arrested in this case. He further submits that the seized article has not been sent to the Forensic Science Laboratory for its chemical analysis. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of Court below/concerned
Court in connection with Tankuppa P.S. Case No. 137 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

