

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75915 of 2024

Arising Out of PS. Case No.-432 Year-2023 Thana- WARISNAGAR District- Samastipur

Mukesh Kumar @ Mukesh Thakur S/O Binay Thakur @ Naval Kishor Ray
Resident of Vill.- Chandauli, P.S- Waris Nagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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

ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Warisnagar (Mathurapur O.P.) PS Case No. 432 of 2023 instituted for the offences under Sections 30(a), 41(i) (ii) of the Bihar Prohibition and Excise Act 2016.

3. The prosecution case, in short, is that there is recovery of total 1055.43 liters of illicit liquor from a pick Up Van.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is neither the owner nor the driver of the vehicle in question. The petitioner is in custody since 31.08.2023 and having six criminal antecedents. 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.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 of the learned Special Judge Excise Court No.-02, Samastipur in connection with Warisnagar (Mathurapur O.P.) PS Case No. 432 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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