

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78383 of 2024

Arising Out of PS. Case No.-259 Year-2020 Thana- SARAIYA District- Muzaffarpur

Mukesh Rai Son of Nagendra Rai R/O Vill- Lalu Chhapra, Kasba Tola,
Malahi, P.S.- Paru, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Saraiya P.S. Case No. 259 of 2020 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution, on receipt of secret information, police intercepted a truck and on search total 4455.75 litres of India made foreign liquor was recovered from the said truck. The driver of the truck was apprehended from the truck and he disclosed the name of this petitioner for being involved in illicit trade of liquor.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession and the petitioner was not apprehended from the spot. The petitioner is neither the owner nor the driver of the said truck. The petitioner has no concern either with the allegedly recovered illicit liquor or the driver of the truck. The petitioner is in custody since 22.09.2024 and is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submission made hereinabove and considering the fact that the recovery has not been shown from this petitioner and the petitioner was not apprehended from the spot and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No.-II, Muzaffarpur in connection with Saraiya P.S. Case No. 259 of 2020 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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