

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86407 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- KANHAULI District- Sitamarhi

Mukesh Kumar Son of Ravi Nandan Prasad R/O-village - ward no. -23,
Subhash Chowk, near Post office Bhavdepur, P.S. -Sitamarhi, Dist. -
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2022.

3. Allegedly, on search, total 5.625 litres of foreign liquor
has been recovered from the blue black Hero Glamour
motorcycle bearing registration no. BR06AN-5387 and a total
31.92 litres of foreign liquor and Nepali saufi liquor has been
recovered from the red black Glamour motorcycle bearing
registration No. BR30AN-9329.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.



No incriminating article has been recovered from the conscious possession of the petitioner or from his house. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He was not apprehended on the spot. He has been made accused in the present case merely because he is the registered owner of one of the seized motorcycles. The real fact of the matter is that prior to the alleged occurrence, the motorcycle of the petitioner had been stolen for which he had informed the concerned police station, but the police did not register an FIR. Learned counsel further submits that petitioner had no knowledge of keeping of the said liquor in the seized vehicle and he has no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below



within a period of eight weeks from today, 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 Court below where the case is pending/successor Court in connection with Kanhauli P.S. Case No. 97 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S., 2023, subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Lawyers' Association Welfare Benevolent Fund.

8. The learned Court below is directed to verify the criminal antecedent of the petitioner. If it is found that the petitioner has criminal antecedent in similar nature of offence,



then the bail bond of the petitioner shall not be accepted by the
learned Court below.

(Anjani Kumar Sharan, J)

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