

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1310 of 2024

Arising Out of PS. Case No.-1047 Year-2023 Thana- Excise P.S. District- Gopalganj

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MUKESH YADAV SON OF Ramprit Yadav RESIDENT OF VILLAGE -
Balichhapur, P.S. - Sidhwaliya, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Excise P.S. Case no. 1047 of 2023 registered under sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 129.6 litres of IMFL was recovered from the vehicle of which the petitioner was the driver. The petitioner was caught when he made an attempt to flee away.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession or from his vehicle. There is no compliance of section 100 of the Cr.P.C. He is in custody since 11.10.2023 and



chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State who submits that besides the petitioner being caught at the place of occurrence along with the seized liquor, the petitioner also has an antecedent under the Bihar Prohibition and Excise Act, 2016.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the petitioner having been arrested at the spot along with 129.6 litres of IMFL which was recovered from the vehicle being driven by him together with the petitioner having a criminal antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail after six months.

(Partha Sarthy, J)

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