

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6549 of 2025

Arising Out of PS. Case No.-196 Year-2022 Thana- PRANPUR District- Katihar

Mukesh Kumar, aged about 19 years, Male, S/O Dev Narayan Chauhan @
Devendra Prasad Chauhan, R/O BMP-7, Mirchaibari, P.S- Katihar Sahayak,
Dist- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Pranpur (Roshna) PS Case No.196 of 2022 dated 10.09.2022,
instituted under Sections 30(a) and 371(1) of the Bihar
Prohibition and Excise Act, 2018.

3. The allegation is of recovery of 7.300 litres foreign
liquor from the bag of co-accused Doma Sharma, who was
driving the *Scooty* bearing registration number BR 39M 5068 at
the time of alleged occurrence.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is further submitted that only on the basis of disclosure



made by co-accused, Doma Sharma, who was apprehended at the spot, the petitioner has been made accused in this case. Nothing has been recovered either from conscious possession or from the house of the petitioner, rather, seized liquor has been recovered from the possession of co-accused Doma Sharma. Further submission is that the petitioner is not the owner of the seized Scooty bearing registration number BR 39M 5068 and the same does not belong to him. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Exclusive Excise Court No.2, Katihar, in Pranpur PS Case No.196 of 2022, subject to the conditions laid down in Section 482 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023.

7. Learned court below before accepting the bail bonds of the petitioner shall verify about the ownership of the



Scooty bearing registration number BR 39M 5068 seized in this case and if it is found that the petitioner is the owner of the same, the petitioner shall not be released on anticipatory bail and this bail order shall be treated as stands cancelled.

8. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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