

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33993 of 2025**

Arising Out of PS. Case No.-128 Year-2025 Thana- DANAPUR District- Patna

Mukesh Kumar S/o Late Rajeshwar Prasad R/o Gola Road, near Ram Janaki  
Mandir, P.S.- Danapur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Ajay Kumar Jha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      22-05-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Danapur P.S. Case No. 128 of 2025 registered for the alleged offences under Section 30(a) and 41 of the Bihar Prohibition and Excise Act.

03. As per prosecution case, on secret information an e-rickshaw was intercepted and co-accused Manoj Kumar was apprehended. From the e-rickshaw, recovery of 4.320 litre of foreign liquor was made. The petitioner is stated to be the owner of the e-rickshaw.

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 the person or



possession of this petitioner. The petitioner is made accused only for the reason that he has been shown as owner of the e-rickshaw but the petitioner has already sold his e-rickshaw to one Dhananjay Kumar by a sale agreement dated 17.08.2024 and as the ownership has not been transferred the name of the petitioner is still being reflected as the owner of the e-rickshaw though the purchaser assured the petitioner that he would get the transfer done in his name. In the aforesaid facts, no offence under Bihar Prohibition and Excise Act is made out against the petitioner who is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of this petitioner and further considering his clean antecedent and possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Special Excise Judge, Danapur, Patna/court concerned in connection with Danapur P.S. Case No. 128 of 2025,



subject to the condition laid down under Section 482(2) of the  
B.N.S.S. and other 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, if so  
required by the learned trial  
court.

**(Arun Kumar Jha, J)**

Anuradha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

