

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43452 of 2025

Arising Out of PS. Case No.-253 Year-2022 Thana- BIHRA District- Saharsa

Mukesh Kumar Singh @ Mukesh Kumar Son of Rajkumar Singh Resident of
Village- Teghra Balwa Haat, P.S.- Simri Bakhtiyarpur, Distt.- Saharsa, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bihra P.S. Case No. 253 of 2022 dated 08.11.2022, registered
for the offence punishable under Section 30(a), 41(i) of the
Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 5636.880 litres of
foreign liquor from a truck bearing Reg. No. RJ11GA62070.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that nothing has been recovered from
conscious possession of the petitioner and he is not the owner of
the seized truck. It is submitted that the petitioner has been
made accused only on the basis of confessional statement of



apprehended persons. It is also submitted that similarly situated person, namely, Raju Singh @ Rajesh Kumar @ Raju Haseena @ Rajesh Kumar Singh has been granted anticipatory bail *vide* Criminal Miscellaneous No. 48277 of 2023, Mukesh Kumar Sah @ Mukesh Sah and Pappu Chaudhary @ Rajesh Kumar Chaudhari @ Rajesh Chaudhary have been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. No. 31221 fo 2023 and Cr. Misc. 58856 of 2023 respectively. Lastly, it has been submitted that he has no criminal case of similar nature against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bihra P.S. Case No. 253 of 2022, he shall be released on anticipatory 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 Exclusive Special Judge, Excise Court-II, Saharsa, subject to condition as laid down under Section 482(2) of B.N.S.S. as also to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till framing of the charge.

(Khatim Reza, J)

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