

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36486 of 2019**

Arising Out of PS. Case No.-141 Year-2019 Thana- MALSALAMI District-
Patna

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MUKESH JAYSWAL, aged about 42 years, male, Son of Mahendra Jaysawal
Resident of Mohalla - Lal Imli, P.S.- Chowk, District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Chandra, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 13-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 29.03.2019 in connection with Special Case No. 3393 of 2019 arising out of Malsalami P.S. Case No. 141 of 2019 for the offences alleged under Sections 30(a)/37(b)(c) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. It is submitted that the petitioner has been falsely implicated on the allegation of being intoxicated condition and also with regard to recovery of 70 litres country made Mahua liquor kept on Honda motorcycle. It is submitted that the recovery has not been made from the conscious possession of the petitioner and the motorcycle in question does not belong to him. The petitioner has already suffered two and half months in custody. The petitioner claims clean antecedents.

4. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the



satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No. 3393 of 2019 arising out of Malsalami P.S. Case No. 141 of 2019, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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