

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36409 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- BIHPUR District- Bhagalpur

Mukesh Kumar aged about 23 years, Son of Raj Kumar Poddar Resident of Village- Gandhi Gram, P.S.- Barari, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-06-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 02.04.2019 in connection with Bihpur Bhawanipur Case No. 115 of 2019 for the offences alleged under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of 23.450 litres of country made wine. The seizure list does not contain the signature of any independent witness nor complies with the requirements of Section 100 of the Cr.P.C which creates considerable doubt about the veracity of the prosecution story. The petitioner has already suffered for more than two 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 Second Additional District & Sessions Judge-cum-Special Judge, Excise, Bhagalpur in connection with Bihpur Bhawanipur Case No. 115 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 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.

(iv) 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.

(Vikash Jain, J)

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