

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22800 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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MUKESH KUSHWAHA Son of Amar Singh Kushwaha Resident of Village-
Siau, P.S.- Karaiya, Distt- Gwalior (M.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 10-09-2020 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 30(a) & 56(d) of the Bihar Prohibition & Excise Act, 2016.

Informant who is a police officer has alleged that on receiving confidential information, he along with other police personnel intercepted one truck bearing no. UPQ4T-3737 and on search, more than 2000 liters of English wine were recovered from the said truck.

It has been submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this



case on the basis of suspicion. It is further submitted that petitioner is the driver of the said truck and he has no concerned with the recovered illicit liquor. The owner of the truck Rajesh Singh was seated with driver who fled away on seeing the police and petitioner was apprehended and was not aware that illicit liquor has been kept in the truck. Nothing was recovered from the conscious possession of the petitioner. Petitioner has no criminal antecedent and he is in custody since 01.03.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Government Official Case No. 63 of 2020 with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in



similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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