

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27326 of 2020**

Arising Out of PS. Case No.-273 Year-2020 Thana- MASAUDHI District- Patna

Mukesh Kumar S/o Mahesh Prasad Yadav @ Mahesh Yadav Resident of
Village-Badroi, P.S.-Masaurhi and District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-10-2020 Learned counsel for the petitioner undertakes to remove
all the defects pointed out by the Stamp Reporter within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking regular bail in
connection with Masaurhi P.S. Case No. 273 of 2020 registered for
the offences punishable under Section 30(a) of Bihar Prohibition and
Excise Act.

Learned counsel for the petitioner submits that in the
present case the allegation against the petitioner is that in course of
search altogether 125 liters country made Mahua liquor were
recovered from possession of the petitioner.

It is his submission that nothing has been recovered from
his possession and as the liquor were recovered form a field, on mere



suspicion the petitioner has been made accused. It is also submitted that the petitioner has no concern with the liquor.

Learned APP for the State submits that the petitioner has got one criminal antecedent of similar nature, however, statement has been made in paragraph '3' of the application that he is on bail in the said case.

Having regard to the facts and circumstances of the case and the materials on the record, having noticed that the petitioner is in custody for more than six months, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise, Patna in connection with Masaurhi P.S. Case No. 273 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that he will abide by and observe



the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

