

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30442 of 2020**

Arising Out of PS. Case No.-76 Year-2019 Thana- MOTIPUR District- Muzaffarpur

MUKESH KUMAR @ MUKESH RAI Son of Sahadeo Rai Resident of
Village- Chakchuhar, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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

2 23-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Khurshid Anwar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Motipur P.S. Case No. 76 of 2019 registered for
the offences punishable under Section 120(B), 354/34 of the
Indian Penal Code and Section 30(a), 38(1)(2) and 41(1)(2) of
Bihar Prohibition of Excise Act, 2016.

Learned counsel for the petitioner submits that as per
first information report petitioner was found fleeing away from
the house of Sunil Yadav from where 443.520 liters of illicit
liquors have been recovered. It is submitted that raiding party



recovered 692.160 liters of foreign liquors from the other places also.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case due to village politics, there is no specific allegation against the petitioner and nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that petitioner is in custody since 27.06.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein this petitioner has been arrested on allegation that illicit liquor has been recovered from his house but seizure list is that of the house of co-accused, he is in custody since 27.06.2020, he has otherwise no criminal antecedent and there is no submission of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Motipur P.S. Case No. 76/2019, 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 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 step for cancellation of bail bond of the petitioner.

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.

Rajeev/-

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(Rajeev Ranjan Prasad, J)

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'.

