

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19517 of 2021**

Arising Out of PS. Case No.-850 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

MUKESH KUMAR SON OF BHIKHARI RAI R/O VILLAGE-
RAGHOPUR, P.S.- AHIYAPUR, DIST.-MUZAFFARPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adbvocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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

2 24-07-2021 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 Mr. Anuj Kumar Shrivastava, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No. 850 of 2020 registered for the offences punishable under Sections 272, 273, 419, 420/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information that Mukesh Kumar and Arjun are about to unload the liquor from the truck. The informant with police force reached at the given place then on seeing the police four persons standing besides the truck managed to flee



away and from the truck on being searched total 1681.200 liters have been recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the conscious possession of the petitioner. It is submitted that the recovery is from another place of the village. The petitioner is in custody since 11.12.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that nothing has been recovered from conscious possession of the petitioner or from the house of the petitioner, rather the recovery is from another place of the village, the petitioner has no criminal antecedent and has remained in jail in connection with this case since 11.12.2020, investigation against him is complete, the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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 Ahiyapur P.S. Case No. 850 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands 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'.

