

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22022 of 2021**

Arising Out of PS. Case No.-38 Year-2021 Thana- BARHARA District- Bhojpur

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MUKESH KUMAR Son of Samindra Rai Resident of Village- Balwan Tola,
P.O.- Kotwapati Rampur, P.S.- Doriganj, District- Saran (Chhapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Nagendra Pd. APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 26-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Barhara P.S. Case No. 38
of 2021, registered for the offence punishable punishable under
Sections 414, 420, 467, 468, 471, 34 of the Indian Penal Code
and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

900 litres of country made liquor has been recovered
from a pickup van and this petitioner being driver was
apprehended on the spot.

It is submitted that no recovery has been made from
conscious possession of this petitioner. Petitioner was simply



driving the vehicle and was not aware about the nature of consignment. Petitioner has no concern with the seized liquor. Petitioner is in custody since 18.01.2021 having no criminal antecedent.

Considering the period of custody and clean antecedent of the petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 4th-cum-Special Judge (Excise Act), Bhojpur at Ara in connection with Barhara P.S. Case No. 38 of 2021, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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