

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24062 of 2021

Arising Out of PS. Case No.-190 Year-2017 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Mukesh Kumar Ishwar @ Lakarwa @ Mukesh Ishwar @ Lakarua, Son Of
Shri Lallan Ishwar R/O Village- Sheori, Ward No.11, P.S.- Cheriya
Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.
For the State : Mr. Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 11.01.2021 seeks
regular bail in connection with Cheriya Bariyarpur P.S. Case
No.190 of 2017 registered for offence punishable under Section
290 of the IPC and Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

Prosecution case in brief, is that on 15.12.2017 on
information a raid was conducted and a bolero and pick up van
were intercepted and upon search altogether 1123 liters plus 56
ml of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner



submits that since several cases for offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016, as stated in paragraph-3 of the bail application, on suspicion he has been made accused in the present case as well. Learned counsel appearing on behalf of the petitioner further submits that petitioner is a farmer and has no concern either with the recovered illicit liquor or with the co-accused who has been apprehended on the spot.

Learned counsel appearing for the State submits that taking into consideration the crime history of the petitioner who is involved in illicit trade of liquor, the petitioner do not deserves to be released on bail.

Considering the above-mentioned facts and circumstances as well as the antecedent of the petitioner and taking into account that in the present case nothing was recovered from the conscious possession of the petitioner, it is directed that the court below after verifying the criminal antecedent of the petitioner and on being satisfied release the petitioner on furnishing bail bond of Rs.5,00,000/-(Rupees Five Lacs) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ind-cum-Special Judge, Excise Act, Begusarai in connection with



Cheriya Bariyarpur P.S. Case No.190 of 2017, subject to the 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 offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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