

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27352 of 2021**

Arising Out of PS. Case No.-11 Year-2021 Thana- GAIGHAT District- Muzaffarpur

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MUKESH PASWAN @ MUKESH KUMAR S/O RAJKISHOR PASWAN
R/O VILLAGE KANTA, P.S GAIGHAT, DISTRICT MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2 04-10-2021 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. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Gaighat P.S. Case No.11/2021 registered for the offences punishable under Sections 272, 273, 414 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 01.02.2021.

Learned counsel for the petitioner submits that, as per the prosecution story, 230.400 liters of illicit liquor have been recovered from the house of this petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner has remained in custody in connection with this case since 01.02.2021 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein 230.400 liters of illicit liquor is said to have been recovered from the house of this petitioner, however, submission being that the petitioner has got no criminal antecedent and has remained in custody in connection with this case since 01.02.2021, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing 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 Gaighat P.S. Case No.11/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(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'.

