

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29375 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- KATEYA District- Gopalganj

MUKESH KUMAR Son of Shatilal Ram Resident of Village - Pendula Khas,
P.S.- Uchakagaon, District - Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 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 Kateya P.S. Case No. 60 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 12.02.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that in course of patrolling he reached at Penchdeori Bazar crossing along with other police personnel and started searching the vehicles and persons coming from Uttar Pradesh, in the



meantime, he saw two persons coming from U.P. on motorcycle and a white colour sack was kept in between them and also carrying a bag on his back. Seeing the police party they started fleeing away but were apprehended with the help of police. They disclosed their names as Mukesh Kumar and Ishwar Ram. The informant further alleged that on search from the sack, 320 bottles of Bunty Bubbly country made liquor total 64 liters and from the bag total 14.04 liters of country made liquor were recovered, thereafter the motorcycle and the liquors were seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing incriminating article has been recovered from the physical or conscious possession of the petitioner and petitioner is in custody since 12.02.2021.

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 total 78.4 liters of country made illicit liquor were recovered, petitioner is in custody in connection with this case since 12.02.2021, he has otherwise no criminal antecedent, investigation against him is complete, but 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – II – cum – Special Judge, Excise, Gopalganj, in connection with Kateya P.S. Case No. 60 of 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)

Rajeev/-

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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'.

