

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38981 of 2021**

Arising Out of PS. Case No.-641 Year-2020 Thana- SARAIYA District- Muzaffarpur

Mukesh Paswan @ Mukesh Kumar S/O Sudhu Paswan R/O Village-
Atrauliya, P.S-Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Lalan Kumar

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

2. 24-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Saraiya P.S. Case No. 641 of 2020, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

313 liters of foreign liquor has been recovered from the cow-shed of co-accused Ashok Kumar.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. The recovery has been made from the cow-shed of co-accused and petitioner has got no concern with the alleged recovery. Petitioner claims clean antecedent and he is in custody since 06.04.2021.

Learned A.P.P. for the State has opposed the bail petition.



Considering the nature of allegation, period of custody and clean antecedent of the petitioner, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 641 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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