

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40501 of 2020

Arising Out of PS. Case No.-173 Year-2016 Thana- MADHUBAN District- East Champaran

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MUKESH RAI @ MUKESH S/o Lakhendra Ray Resident of Village- Purani
Bazar Mahamadpur Balmi, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Adv.

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-02-2021 Heard both parties.

The petitioner seeks bail in Madhuban P.S. Case No. 173/2016 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 47, 49, 50(D), 51, 52, 54 and 57 of the Bihar Prohibition & Excise Act, 2016.

As per prosecution case, 2140 litres of Sprit and 404 litres of foreign liquor has been recovered from the godown of co-accused Tunna Singh.

It is submitted that nothing has been recovered from possession of this petitioner. He was not apprehended on the spot. His name has come on the basis of confessional statement of co-accused. Charge-sheet has already been submitted. Petitioner is in custody since 17.07.2020.

Considering the facts and circumstances of the case,



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 Special Judge, Excise Act, East Champaran, Motihari, subject to the 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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