

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3373 of 2022**

Arising Out of PS. Case No.-164 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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Mukesh Rai @ Mukesh Ray @ Bodho Ray Son Of Naresh Rai @ Naresh Ray
R/O Village- Kancha, P.S.- Vidyapatinagar Ghatho, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 18-05-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 30 (a) of the Bihar

Prohibition and Excise Act, 2016.

Recovery is of 15 litres of foreign liquor.

Learned counsel for the petitioner submits that the

petitioner has been falsely implicated in the present case only on

the basis of suspicion. He further submits that it appears from

the F.I.R. nothing has been recovered from the conscious

possession of the petitioner rather the alleged recovery has been



made from the bush which is situated in the back side of the house of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Vidyapatinagar Ghatho P.S. Case No. 164 of 2020, with the following conditions :-

(1) 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 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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