

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10999 of 2022**

Arising Out of PS. Case No.-16 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

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MUKESH KUMAR @ MUKESH YADAV @ MUKESH KUMAR YADAV
S/O DIPNARAYAN YADAV @ DIPNARAYAN MANDAL R/o village-
Durgapur, Ward No. 10, P.S.- Raghapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Supaul

Excise Case No. 1023 of 2020 (P.R. No.16 of 2020) registered

for the offence under Section 30(a) of the Bihar Prohibition and

Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in

custody since 05.11.2021.

The allegation against the petitioner is to be engaged

in illegal business of illicit liquor, where, there is recovery of

189 litres of illicit Nepali Sofin liquor.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor has been made from the open place i.e. behind the house of co-accused, namely, Upendra Mandal. It has further been submitted that allegation is limited only to run away from the place of seizure against the petitioner. It has further been submitted petitioner is involved in other 5 cases, in which, he is on bail. While concluding the argument, it has been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with while preparing the seizure list and also charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has been made from the open place.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Supaul Excise Case No. 1023 of 2020 (P.R. No. 16 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned ASJ-II-cum-Special Judge, Excise Supaul, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Dipnarayan Yadav @ Dipnarayan Mandal, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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