

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11598 of 2022**

Arising Out of PS. Case No.-415 Year-2021 Thana- NAUTAN District- West Champaran

Mukesh Patel S/o Sukhari Patel @ Sukhadi Raut Resident of Barhaura Bazar,
P.S.- Jagdishpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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

3 28-07-2022 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 272, 273, 328, 307, 304, 120B of the Indian Penal Code and Sections 30(a), 37B, 33 and 34 of Bihar Prohibition and Excise Act.

The allegation against the petitioner is that he is involve in selling illicit liquor due to which Bachcha Yadav and Maharaj Yadav expired after drinking noxious liquor and some people got ill after drinking noxious liquor.

Learned counsel for the petitioner submits that in fact



the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation. He further submits that the name of the petitioner has been transpired only on the basis of disclosure made by the co-accused and the self statement of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the deceased has consumed liquor at the house of Munna Ram and the petitioner has no concern at all with Munna Ram. Further submits that co-accused persons namely Sobha Devi and Goda Devi have been granted bail by a Coordinate Bench of this Court vide order dated 13.07.2022 in Cr. Misc. No. 18408 of 2022 and another co-accused person namely Vikash Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 22.07.2022 passed in Cr. Misc. No. 22788 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.11.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases 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 Nautan P.S. Case No. 415 of 2021, 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 antecedents, 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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