

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18352 of 2022

Arising Out of PS. Case No.-599 Year-2021 Thana- SONEPUR District- Saran

1. MUKESH KUMAR RAI @ MUKESH KUMAR SON OF LATE KRISHNA RAY R/O VILLAGE- SABALPUR PACHHIYARI TOLA, P.S.- SONEPUR, DISTRICT- SARAN AT CHAPRA
2. PRAMOPD KUMAR @ PRAMOD KUMAR SON OF LATE KRISHNA RAY R/O VILLAGE- SABALPUR PACHHIYARI TOLA, P.S.- SONEPUR, DISTRICT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-05-2022 Heard learned counsel for the parties.

The petitioners pray for bail in a case registered for the offence under Section 30(a), 30(d), 47 of Bihar Prohibition and Excise Act.

717.75 liters of foreign liquor has been recovered from the house of the petitioners and 232.74 liters of foreign liquor has been recovered from a field, situated in front of their house.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioners and recovery has been made from the house, which is in joint possession of the family and petitioners are in custody since 27.01.2022. Investigation is complete.



However, learned A.P.P. for the State opposes the prayer for bail and submits that though, petitioner no. 1 has got clean antecedent, but petitioner no. 2 has got one criminal antecedent of similar nature of case.

Considering the fact that petitioner no. 1 namely Mukesh Kumar Rai has got clean antecedent, he is directed to 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 A.D.J.-II cum Special Judge Excise, Saran at Chapra in connection with Sonapur P.S. Case No. 599 of 2021.

So far as prayer for bail of petitioner no. 2 is concerned, since he has got one criminal antecedent of similar nature of case, I am not inclined to grant bail to him and same is, accordingly, rejected. However, the learned court below, where the case is pending, is directed to release the petitioner no. 2 on bail, **after framing of the charge.**

(Prabhat Kumar Singh, J)

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