

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21686 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- AGION (GARHANI) District- Bhojpur

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MUKESH KUMAR @ MUKESH YADAY Son of Atal Singh Resident of
village - Poswan, P.S. - Agiaon (G), District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navin Kumar Singh

For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Agiaon
(G) P.S. Case No. 31 of 2021 arising out of Excise Case No. 410
of 2021 registered for the offences punishable under Sections
420/34 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 750 litre English wine from the straw pile (Khalihan) of Jai
Ram Singh. It is alleged that petitioner and other accused fled
away after seeing the police party.

Learned counsel for the petitioner submits that



petitioner is in custody since 02.03.2022 and bears criminal antecedent of one case of similar nature. He further submits that petitioner has no concern with the alleged recovery. He further submits that from the FIR itself, it is clear that recovery has been made from the straw pile (Khalihan) of Jai Ram Singh to which petitioner has no concern. Petitioner has not caught at the spot nor anything has been recovered from the person or possession of the petitioner. Seizure list has not been made as per law. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Co-accused Santosh Kumar Singh has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 33615 of 2021. Petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Bhojpur, Ara in connection with



Agiaon (G) P.S. Case No. 31 of 2021 arising out of Excise Case
No. 410 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother
or sister or brother or wife or the person who sworn the affidavit
in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates would be a ground for cancellation of bail by the learned
Trial court itself.

(iii) If the petitioner tampers with the evidence or
the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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