

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24227 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- BATHNAHA District- Sitamarhi

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MUKESH RAY SON OF BHAROSI RAY R/O VILLAGE- JHITKAHIA,
P.S.- BATHNAHA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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
Bathnaha P.S. Case No. 48 of 2021 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, total 147 liters Nepali
Desi Saufi liquor has been recovered from the house of present
petitioner. The villagers disclosed name of the petitioner who
fled away from there.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.01.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has neither concern with the alleged seized nepali country made Saufi liquor nor is he indulged in any kind of trade/manufacturing of liquor. The petitioner has not apprehended on spot.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, and also taking into consideration the material available on record, 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 Exclusive Special Excise Court-1, Sitamarhi in connection with Bathnaha P.S. Case No. 48 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission 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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