

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25589 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

Mahesh Kumar Son Of Late Bhola Sah R/O Village- Madapur Chaubey, P.S.-
Muzaffarpur Sadar, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 272, 273,
414/34 of the Indian Penal Code, section 30(a) of the Bihar
Prohibition and Excise Act and Section 21(b) of N.D.P.S. Act, in
connection with Muzaffarpur Sadar P.S. Case No. 114 of 2022.

As per the allegation in the FIR, the police upon
secret information apprehended the accused persons with
motorcycle and it is alleged that nine liters of foreign liquor was
recovered from Vicky Kumar and Bittu Kumar besides two
sachet of 'smack'. The further allegation against the petitioner is



that he was standing near the motorcycle and upon search 375 ml. foreign liquor equal to nine liters and two sachet of 'smack' was also recovered. Accordingly, the materials were seized and the FIR lodge, the accused persons arrested.

Learned counsel for the petitioner submits that for the said allegation made by the police, he has already suffered by being in custody since 6.3.2022 (as stated in para-14 of the bail application) despite the fact that he has no criminal antecedent and it has lastly been submitted by him that similar placed co-accused namely Vicky Kumar and Bittu Kumar have since been released on bail vide Cr. Misc. No. 22434 of 2022 on 6.5.2022 and Cr. Misc. No. 26392 of 2022 respectively.

Let the same be kept on record.

Taking into account the aforesaid fact as also that he has no criminal antecedent and is in custody since 6.3.2022 and similar placed co-accused have since been released on bail, this Court is inclined to grant him the privilege of bail. However, if it is found that the petitioner do have criminal antecedent, the bail bonds shall stands cancelled.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Exclusive



Special Excise Court No. 1, Muzaffarpur, in connection with Muzaffarpur Sadar P.S. Case No. 114 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

