

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39722 of 2021

Arising Out of PS. Case No.-128 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

Mukesh Kumar S/o Late Ram Prasad Singh R/o village and P.S.- Agiawon
Bazar, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rishikesh Ojha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-01-2022 Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

The petitioner who is in custody since 17.6.2021 seeks
regular bail in connection with Agiawan Bazar P.S. Case No.
128 of 2021 for the offence under section 30(a) of Bihar
Prohibition and Excise Act, 2018.

The case of the prosecution in brief is that six bags of
English wine of different brands were recovered inside the
boundary wall of the house of the petitioner. Total quantity of
the seized liquor is 217.5 liters.

Learned counsel appearing on behalf of the petitioner
submits that petitioner was newly married and other co-accused
who were arrested by the police thrown the illicit liquor inside



the boundary wall of the petitioner. The petitioner was apprehended along with his wife. His wife has already been granted bail by the court below. He further submits that the petitioner has clean antecedent.

Learned counsel appearing on behalf of the State submits that as per allegation made in the FIR, the petitioner was involved in the organized trade of illicit liquor in the State which cannot be ruled out and as such the petitioner does not deserve to be released on bail.

Considering the rival submission of the parties, perusal of the allegation made in the FIR and taking into consideration the period of custody of the petitioner, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs. 1,00,000/- (One lakh) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge cum Special Judge Excise, Bhojpur, Ara, in connection with Agiawan Bazar P.S. Case No. 128 of 2021(Excise Case No. 1133 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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