

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32005 of 2022

Arising Out of PS. Case No.-776 Year-2021 Thana- BIHTA District- Patna

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MUKESH KUMAR S/o Prem Kumar Singh @ Prem Singh Resident of
Village- Basaudha, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-09-2022 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

Special Excise Case No. 6612 of 2021, arising out of Bihta
(Neora) P.S. Case No. 776 of 2021 registered for the offences

punishable under Sections 30(a)/38(2)/41 of the Bihar

Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery

of 1811.88 litres English wine from the truck in question. Name

of present petitioner has been transpired on the basis of

information given by spy.

Learned counsel for the petitioner submits that



petitioner is in custody since 02.02.2022. 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 petitioner is quite innocent and he has falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the seized truck or with the alleged recovery. Petitioner is not apprehended on spot as submitted by learned counsel for the petitioner.

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, 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 Special Excise Judge, Danapur (Patna) in connection with Special Excise Case No. 6612/2021 arising out



of Bihta (Neora) P.S. Case No. 776 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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