

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46308 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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MUKUND KUMAR @MUKUND TIWARY Son of Late Pramod Tiwari
Resident of Village - Kanhauli Bishundatt, P.s.- Mithanpura, Distt.-
Muzaffarpur, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2022 Heard the parties through video conferencing.

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

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 25.06.2021 seeks
regular bail in connection with Bela P.S. Case No. 31 of 2020
registered for offence punishable under Sections 272, 273, 414,
120(B) of the Indian Penal Code and Sections 30(a)/38(1)/41(1)
of the Bihar Prohibition and Excise Act.

Prosecution case in brief is that on seeing suspicious
movement, checking was started and on search, altogether
4273.2 litres of liquor was recovered from a truck, two pick-up



vans and two motorcycles. The petitioner was amongst the persons who were caught while 5 other persons who were identified, managed to escape.

Learned counsel appearing on behalf of the petitioner submits that the allegations against the petitioner are false and concocted. No incriminating article has been recovered from his possession. He further submits that petitioner has no concern either with the seized liquor or any of the vehicles from which the same was seized. It is further submitted that other co-accused persons have already been enlarged to bail by this Court during the pendency of this case. However, while the bail application was being filed, two co-accused persons namely, Sanjeet Kumar and Chandeswar Ray were enlarged to bail vide order dated 27.05.2021 passed in Cr. Misc. No. 8312 of 2021

Learned A.P.P. however, opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioner, the petitioner is directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with



Bela P.S. Case No. 31 of 2020 subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers 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.

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

(Purnendu Singh, J)

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