

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38052 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- PATEPUR District- Vaishali

1. Mukesh Kumar @ Mukesh Kumar Nat Son Of Bhura Nat R/O Mohalla- Chitkohra Pool, P.S.- Sachivalay, District- Patna
2. Md. Jafruddin Son Of Rahish R/O Mohalla- Chitkohra Pool, P.S.- Sachivalay, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Thakur, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Patepur P. S. Case No. 133 of 2022 registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code, Sections 25 (1-b)a, 26 and 35 of the Arms Act and Section 30 (a) of the Bihar Prohibition and



Excise Act, 2016.

As per the prosecution case, it is alleged that the police, on a secret information, intercepted one Scorpio vehicle and apprehended five persons. It is also alleged that from the possession of the petitioner no. 1, one knife and from the possession of petitioner no. 2, key of the vehicle was recovered. On search, 2.25 liters Indian made foreign liquor was recovered from the vehicle. It is further alleged that other incriminating material was recovered from the possession of other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that from the tenor of the F.I.R., it would be evident that the petitioner no. 2 is a driver of the vehicle, in question, and the same belongs to the sister of co-accused Sanni Nat. It is next submitted that so far the recovery of knife is concerned i.e. a household knife and not for the purposes of any crime. It is further submitted that in fact, no illicit liquor has been recovered from the Scorpio vehicle but only in order to make the case serious, the police has shown the recovery of illicit wine from the vehicle. It is also submitted that the petitioners having fair antecedent, are in custody since 31.05.2022 and save and except a knife and key, nothing has



been recovered from the person or possession of the petitioners and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the nature of recovery coupled with the period of incarceration and fair antecedent of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court- 2-cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Patepur P. S. Case No. 133 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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