

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47434 of 2021

Arising Out of PS. Case No.-201 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Mukesh Kumar, Male, aged about 28 years, Son of Mohan Ray Resident of
Village- Raghapur Purvi, P.S.- Raghapur, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar, Adv.
For the Opposite Party : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in G.O. Case No. 201 of 2021,
instituted for the offence under Sections 30(a) and 56(b) of the
Bihar Prohibition and Excise Act, 2016.

The First Information Report alleges recovery of 1380
litres country made wine from a truck.



Learned counsel for the petitioner submits that the petitioner has no concern with the truck or alleged recovery of the illicit liquor. He has become a victim of the circumstance as he was present at the place when the truck was intercepted. He has no criminal antecedents and he is stated to be in custody since 13-04-2021. The submission is that even as per allegation the wine was kept in a secret compartment regarding which the petitioner cannot be held liable.

The learned APP representing the State has opposed the prayer for bail.

Considering the petitioner's custody and submission that he is not in any way concern with the truck and the fact that he has no criminal antecedents, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- II-cum- Special Judge, Excise Act, Nawada, in connection with G.O. Case No. 201 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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