

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40590 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- MANPUR District- West Champaran

Mukesh Kumar Son of Shivshankar Sah Resident of Village - Basantpur, P.S.-
Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishore Mishra, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Manpur P.S. Case No. 29 of 2022 for the
offences punishable under Sections 272, 273, 353 of the
Indian Penal Code and section 30(a), 45 of the Bihar
Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that in
course of patrolling duty, the police apprehended two
persons, who were coming on a motorcycle and on search



50 liters country made liquor was recovered.

Learned counsel for the petitioner submits that in fact nothing has been recovered from person or possession of the petitioner. However, on account of some altercation which took place between the police and petitioner, his name has been implicated in this case. He further submits that petitioner has neither any concern with the alleged motorcycle nor the illicit liquor and save and except criminal antecedent of the petitioner, there is no other material. He next submits that though, the petitioner is named in four other criminal cases of similar nature but he is on bail in all the cases. He last submits that the investigation of the crime is already completed and the charge sheet has been submitted though, petitioner is in custody since 10.03.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has four other criminal antecedent.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner has neither any concern with the motorcycle nor with the



illicit liquor and the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Bettiah, West Champaran in connection with Manpur P.S. Case No. 29 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is



found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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