

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49648 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- GAMAHARIYA District- Madhepura

MUKESH KUMAR @ MUKESH YADAV S/O UMESH YADAV @
UMESH KUMAR YADAV R/o- Chini, Fulkaha, P.S.- Gamharia, District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 420 and 120(B) of the Indian
Penal Code and Section 30(a) and 41(1) of the Bihar
Prohibition and Excise Act, 2016.

Recovery is of 3897.85 liters of illicit foreign liquor
from the truck.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case only on the basis of suspicion. He
further submits that nothing has been recovered from
conscious possession of the petitioner rather the alleged



recovery has been made from the truck in question. He further submits that the petitioner is neither the owner of the truck in question nor he happens to be the driver of the alleged truck. Moreover, the co-accused, namely, Nandan Kumar, Uday Kumar Yadav @ Uday Kumar @ Uday Yadav and Pawan Kumar have already been granted bail by this Court vide order dated 11.03.2022, 08.03.2022 and 03.03.2022 passed in Cr. Misc. No. 72017 of 2021, Cr. Misc. No. 66852 of 2021 and Cr. Misc. No. 61832 of 2021 respectively. The petitioner is in custody since 24.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Excise Case No. 531 of 2021 arising out of Gamharia P.S. Case No. 120 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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