

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41491 of 2022

Arising Out of PS. Case No.-192 Year-2022 Thana- CHANPATIA District- West Champaran

MUKESH KUMAR S/O RAMJI MAHTO Resident of village- Garbhua Lala
Toli, P.S.- Chanpatiya Sirisiya O.P, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate.
For the Opposite Party/s : Mr. Surendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Anant Kumar Mishra, learned counsel for
the petitioner 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 Chanpatiya Sirisiya O.P. P. S. Case No.
192 of 2022 registered for the offences punishable under Section
414 of the Indian Penal Code and Section 30 (a) of the Bihar



Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that in course of vehicle checking, the police intercepted two motorcycles and apprehend three persons including the petitioner. On search, altogether 8 litres illicit wine was recovered from the two motorcycles, which were being driven by co-accused Sarvesh Kumar and Deep Lal Kumar. The petitioner is said to be pillion rider.

Learned counsel appearing on behalf of the petitioner submitted that as a matter of fact, neither any recovery has been made from the person or possession of the petitioner nor he has any concern with the seized motorcycle, which are said to be stolen property, however, there is no substantive F.I.R. showing that the motorcycles are stolen property nor owner of the motorcycles has come forward claiming it to be their own motorcycles. It is also submitted that on the alleged fateful day, since one of the co-accused persons, who happens to be villager of the petitioner came to the house of the petitioner and he accompanying with him, in the meantime, he was apprehended by the police. It is further submitted that the petitioner having fair antecedent, is in custody since 26.04.2022 and now 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 fact that the investigation of the crime is already completed and the charge sheet has been submitted and there is no substantive F.I.R. showing the motorcycles are to be stolen property and the petitioner is in custody since 26.04.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran, Bihar in connection with Chanpatiya Sirisiya O.P. P. S. Case No. 192 of 2022, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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