

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53842 of 2021

Arising Out of PS. Case No.-363 Year-2021 Thana- PURNEA SADAR District- Purnia

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MUKESH KUMAR SON OF LATE ASHOK KUMAR YADAV R/O
VILLAGE/MOHALLA- PANIYALA CHAK, P.S.- NAYA RAM NAGAR,
DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Sadar P.S. Case No. 363 of 2021/ Special Excise Case No. 180 of 2021 registered for the offence under Section 272 and 273 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 133.2 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing has been recovered



from the conscious possession of the petitioner rather the alleged recovery has been made from a Swift Dezire car bearing Registration No. BR-01BY/9525. The said car does not belong to the petitioner. Moreover, the co-accused, namely, Ashish Kumar Mishra has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.01.2022 passed in Cr. Misc. No. 50767 of 2021. The petitioner is rotting in judicial custody since 21.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner owns one more case 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 Special Judge, Excise, Purnea in connection with Sadar P.S. Case No. 363 of 2021/ Special Excise Case No. 180 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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