

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44210 of 2022

Arising Out of PS. Case No.-117 Year-2022 Thana- BACHHWARA District- Begusarai

Mukesh Kumar S/o Ramashish Rai @ Ramashish Yadav R/o Village - Tara,
P.S. - Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Raj, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 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.

Petitioner seeks bail in a case registered in connection with Bachhwara P.S. Case No. 117 of 2022 for the offences punishable under Sections 188, 120(B) of the Indian Penal Code and section 30(a), of the Bihar Prohibition & Excise Act 2018.

The police on a secret information conducted raid and from the maize field of Jhunna Choudhary altogether 445.32 liters Indian made foreign liquor was recovered. It is also alleged that other co-accused persons including the



petitioner on noticing the police party succeeded in fleeing away.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the place of occurrence nor any recovery has been made from his conscious or constructive possession. He further submits that only because of his past criminal antecedent of similar nature of crime, his name has been implicated in this case. It is also submitted that the petitioner is in custody since 04.06.2022 and now the investigation of the crime is already complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has named in two other criminal cases of identical nature.

Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious or constructive possession and save and except the disclosure made by the co-villagers there is no other material against the petitioner and moreover, the investigation of the crime is



already complete, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Begusarai in connection with Bachhwara P.S.Case No. 117 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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