

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44798 of 2022

Arising Out of PS. Case No.-109 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Mukesh Ray @ Mukesh Kumar, Son of Ramsheresth Ray, R/o Village-
Belahilachhi, Post- Siwaipatti, P.S.- Minapur, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Prabhat Kumar Singh, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Siwaipatti P.S. Case No. 109 of 2019 registered for the offences punishable under Sections 272, 273, 420/34 of the Indian Penal Code and Sections 30, 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that the police on a secret information, intercepted a truck, which was found parked near the house of 'Kishori Shah'. It is further alleged that the driver of the truck



was apprehended at spot and he disclosed the name of consignor of the liquors, including the name of the petitioner and others. It is further alleged that total 1026 liters of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession, save and except the disclosure made by the apprehended driver of the truck, there is no material against the petitioner. He further submits that other co-accused persons, whose names were also disclosed by the apprehended persons, have already been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 71789 of 2019 vide order dated 19.12.2019. He next submits that even the co-accused person 'Mandeep Singh @ Mandeep Singh Deepak', who was apprehended at spot, has also been allowed the privilege of bail vide Annexure 3 to this petition. He lastly submits that the petitioner is in custody since 11.07.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner



was neither apprehend at spot nor any incriminating material has been recovered from his person or possession apart from the fact that the other co-accused person, having identical allegation, have already been allowed the privilege of bail and moreover, the investigation of the crime is already complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. I, Muzaffarpur in connection with Siwaipatti P.S. Case No. 109 of 2019 , 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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