

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47206 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- CHACKMEHSI District- Samastipur

=====

MUKESH KUMAR @ MUKESH SAHNI Son of Bhanty Sahni @ Bantun
Sahni @ Rajesh Sahni R/v- Malinagar, P.S- Chakmehsi, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Excise
G.R. No. 1066 of 2021 arising out of Chakmehsi P.S. Case No.
153 of 2021 registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

As per prosecution case, the informant alongwith
his team was on patrolling duty and got a secret information that
petitioner and others are unloading illegal liquor from the
pickup van parked in front of house of co-accused Dharmendra
Kumar to trade the illicit liquor. It is further alleged that after



receiving the said information, informant and his team reached the place of occurrence and total 380.16 litre illicit liquor was recovered from the pickup van and motorcycle in question as well as from the land situated in front of house of co-accused Dharmendra Kumar. Petitioner and others are said to have fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 18.05.2022 and bears no criminal antecedent. He further submits that neither petitioner was present at the place of occurrence nor was he arrested on the spot. No incriminating article has been recovered from conscious possession of the petitioner or from his house. Petitioner has no concern with the alleged pickup van and motorcycle in question.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge (Excise), Samastipur in connection with Excise G.R. No. 1066 of 2021 arising out of Chakmehsi P.S. Case No. 153 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

