

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48351 of 2022

Arising Out of PS. Case No.-457 Year-2022 Thana- SONEPUR District- Saran

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MUKESH KUMAR @ RANGAM RAY Son of Gajendra Ray Resident of
village - Baikunthpur, P.S.- Rajapakar, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-09-2022 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.

The petitioner seeks bail in connection with

Sonepur P.S. Case No. 457 of 2022 registered for the offences

punishable under Sections 30(a), 32, 38, 41 of the Bihar

Prohibition and Excise Act.

As per prosecution case, there is alleged recovery

of 358 litres English wine from the pick-up van in question. It is

alleged that petitioner is driver of said pick-up van and

apprehended on spot.

Learned counsel for the petitioner submits that

petitioner is in custody since 02.07.2022. Petitioner bears



criminal antecedent of three cases out of which one case is of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the seized wine. There is no compliance of Section 100 of Cr.P.C. Seizure list has not been made as per law.

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

Considering the facts and circumstances of the case as well as period of custody, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Sonepur P.S. Case No. 457 of 2022, 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)

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