

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48767 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- CHHATAUNI District- East Champaran

Mukesh Kumar @ Mukeshh Rai @ Mukesh Kumar Yadav @ Mukeshh Kumar @ Mukesh Kr. Yadav Son of Shambhu Rai Resident of Village - Bada Bariyarpur, P.s.- Chhatauni, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate Ms. Rashmi Jha, Advocate
For the Opposite Party/s	:	Mr. Sharad Kumar Verma, Advocate Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Chhatauni P.S. Case No. 37 of 2021 registered
for the alleged offences under Sections 414, 270, 272 and 34 of
the Indian Penal Code and Sections 30(a) and 41 of the Bihar
Prohibition and Excise Act.

As per prosecution case, on the basis of secret
information, a raid was conducted at the house of petitioner and
after seeing the police party, the petitioner and co-accused



person fled away from the spot. On search, total 793.440 liters of foreign liquor and 4 cartons of mixer grinder were recovered from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery has been made from his possession or from the house of the petitioner. Allegedly seized liquor was found on road side opposite of his house in abandoned condition and the petitioner has no concern with this seized liquor and mixer grinder. Charge sheet has been submitted in this case and the petitioner is in custody since 10.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his conscious possession and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise



Court No. 1, Motihari, East Champaran, in connection with Chhatauni P.S. Case No. 37 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/Daya

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