

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49114 of 2022**

Arising Out of PS. Case No.-61 Year-2021 Thana- BACHHHWARA District- Begusarai

Mukesh Kumar S/o Ramashish Yadav R/o Village- Ward No. 13, Tada, P.S.
and P.O.- Bachwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Ranjan, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Bachwara P.S. Case No. 61 of 2021 lodged under Sections 120
(B) of I.P.C. and 30(a)/32(2) of the Bihar Prohibition and Excise
Act, 2018.

As per the prosecution case, total recovery of 536.4
liter wine is subject matter of the present case.

Learned counsel for the petitioner submits that the
said wine has been recovered from a pick-up van. He submits
that the petitioner is neither the owner nor the driver of the
vehicle. He further submits that petitioner is in custody since

26.07.2022 having 2 criminal cases pending against him, in which he is on bail. He also submits that petitioner's name has been figured in this due to the allegation that he was fleeing away from the place of occurrence.

Learned counsel for the petitioner submits that other co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 01.06.2022 and 15.02.2022 in Cr. Misc. 40222 of 2022 and 49093 of 2021 respectively.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Begusarai in connection with Bachwara P.S. Case No. 61 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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