

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59725 of 2021

Arising Out of PS. Case No.-263 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Mukesh Kumar, Son of Prakash Sahani, Resident of Village- Kanshi, P.S.-
Simri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Gayghat P.S. Case No.263 of 2021 for the
offences punishable under Sections 272, 273/34, 414 of the
Indian Penal Code and Sections 30(a), 36, 41(i) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that on
06.08.2021 while the vehicle checking was conducted by the
police personnel, one car was intercepted and on search 53.250
litres of liquor has been recovered from the dickey of the said
car. It is alleged that this petitioner was the occupant of the said



car.

It is submitted by the learned counsel for the petitioner that the petitioner has neither concern with the car nor the alleged recovered liquor, which is shown to have been recovered from the dickey of the car. In order to substantiate his submissions, learned counsel has drawn the attention of this Court towards the seizure list, which does not bear the signature of the petitioner. It is next submitted that this petitioner has got clean antecedent and he is in custody since 07.08.2021. It is also submitted that the investigation has already been concluded and charge-sheet has also been submitted in this case.

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

Having heard the learned counsel for the parties and taking into consideration the fact that this petitioner having clean antecedent and is in custody since 07.08.2021, apart from the fact that the investigation has already been concluded and charge-sheet has also 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 Special Judge, Excise Act, Muzaffarpur in connection with Gayghat P.S. Case



No.263 of 2021 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.

(Harish Kumar, J)

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