

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51927 of 2022

Arising Out of PS. Case No.-1131 Year-2021 Thana- PHULWARISHARIF District- Patna

Mukesh Kumar, Son of Kapil Ray, R/o Karorichak, P.S- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Special Case No. 8829 of 2021, arising out of Phulwarisharif P.S. Case No. 1131 of 2021, registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 103.995 liters of India made foreign liquor was made from 'kolki, beside the house of the petitioner when the raid was conducted on getting information that the petitioner has been selling illicit liquor. The petitioner fled away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Recovery has not been made from the house of the petitioner rather it was made from the alley beside his house and he has got no concern with the allegedly recovered article. The learned counsel further submits that the petitioner was earlier granted anticipatory bail vide order dated 08.07.2022 passed in Cr. Misc. No. 9434 of 2022. However, he got arrested during the pendency of the anticipatory bail petition but somehow information could not be conveyed to the learned counsel appearing on behalf of the petitioner in that case and so, the Coordinate Bench could not be informed about the same. The learned counsel further submits that the petitioner is in custody since 13.05.2022 and is having clean antecedent. Charge sheet has been submitted in this case.

The learned A.P.P. 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 was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet along with period of custody of



the petitioner and his clean antecedent, 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 Special Judge, Excise, Patna, in connection with Special Case No. 8829 of 2021, arising out of Phulwarisharif P.S. Case No. 1131 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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

