

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64232 of 2021

Arising Out of PS. Case No.-157 Year-2021 Thana- AANDAR District- Siwan

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MUKESH KUMAR Son of Sudarshan Sah Resident of Village - Saidpura,
Police Station - M.H. Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 30(a) and 32(ii) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that the informant got secret information that one one Mukesh Kumar (petitioner) has kept English wine in his house and on search from his house 250 liters and 560 Ml wine was found and the same was seized in presence of two witness.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in connection with the present case on the basis of suspicion. It is further submitted that it appears from the first information report as well as the seizure list, nothing has been recovered from his conscious possession rather the same has been recovered from the paddy field. It is further submitted that police after investigation submitted chargesheet and the petitioner has no criminal antecedent. Petitioner is in custody since 27.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ander (M.H. Nagar) P.S. Case No. 157 of 2021 with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) 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.

And, further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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