

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54776 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- ARWAL District- Jehanabad

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Mukesh Kumar @ Mukesh Yadav Son of Atal Singh Resident of Village-
Poswan, P.S.- Agiaon(G), District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-11-2022 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
Arwal P.S. Case No. 08 of 2022 lodged under Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, there are 2 seizure lists in
this case. According to the first seizure list, the recovery of
5.475 liter of foreign wine and according to the second seizure
list, recovery of 215.490 liter of English wine have been made,
which are the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that petitioner is in custody since 23.08.2022 having 2 criminal antecedents and he is on bail in both the cases. Charge sheet has already been filed in this case. He also submits that nothing was recovered from the petitioner's possession and his name has been figured in this case by the virtue of confessional statement of the co-accused namely Bittu Kumar, from whose possession 215 liter English wine was recovered.

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, Court-2, Jahanabad in connection with Arwal P.S. Case No. 08 of 2022, 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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