

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55307 of 2022

Arising Out of PS. Case No.-289 Year-2019 Thana- KHAJEKALA District- Patna

Mukesh Ray S/o- Krishna Ray Resident of Gandhi Chowk Hamam, P.S.-
Khajekala, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 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
Khajekala P.S. Case No. 289 of 2019, lodged under Sections
30(a) and 36/41 of the Bihar Prohibition and Excise Act.

As per prosecution case, the total recovery of 59.40
liter of foreign liquor has been made, which is subject matter of
the present case.

Learned counsel for the petitioner submits that the
said recovery has not been made from the possession of
petitioner rather it has been made from the open place. He also
submits that petitioner is in custody since 21.08.2022 and there

are 4 criminal cases pending against the petitioner and he is on bail in all the cases.

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 Exclusive Special Judge, Excise, Patna City in connection with Khajekala P.S. Case No. 289 of 2019, 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 an 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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