

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61310 of 2022

Arising Out of PS. Case No.-62 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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Mukesh Sah Son of Shiv Shankar Sah Resident of village - Basantpur, P.S.-
Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Bettiah
Excise Police Station Case No. 62 of 2020, registered for the
offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per allegation, 185 liters of country made illicit
liquor has been recovered from the bank of a canal in the
south of village Mishrauli Kalwar Patti.

The Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner has been made



accused on the basis of his criminal antecedents. He also submits that no incriminating material has been recovered from the conscious possession of the petitioner.

The petitioner has been languishing in jail since 08.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of anticipatory bail in Cr. Misc. No. 21237 of 2021.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in four more cases.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Judge, Excise, Bettiah, District-West Champaran in connection with Bettiah Excise Case No. 62 of 2020 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of



the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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