

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71281 of 2021

Arising Out of PS. Case No.-772 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Mukesh Kumar Son Of Jagdeo Prasad Yadav Resident Of Village - Jharkaha,
P.S.- Shankarpur, Distt.- Madhepura. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 At the outset, learned counsel for the petitioner seeks

permission to make correction in paragraph '1' and prayer portion

of the application as regards the case number.

Let the correction be carried out in course of the day.

Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Excise Case No. 772 of 2021, Excise Complaint

No. 194 of 2021-22 registered for the offences punishable under

Section 30(a) of Bihar Prohibition and Excise Act. He is in

custody since 28.10.2021. The petitioner has got one criminal

antecedent in which he is said to be on bail.

Learned counsel for the petitioner submits that as per



the prosecution story, the informant got a secret information that this petitioner is involved in trade of illicit liquor and has stocked liquor in his house. On this information, the informant along with other police officials raided the house of the petitioner where on seeing the police party this petitioner started fleeing away but on chase he got apprehended. On search, total 25.365 liters of foreign liquor was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the investigation against the petitioner is complete and his presence may also be secured in course of trial. The petitioner has remained in custody since 28.10.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is in custody since 28.10.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. II, Madhepura in connection with Excise Case No. 772 of 2021, Excise Complaint No. 194 of 2021-22, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

