

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22665 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- PIPRA District- East Champaran

=====

MUKESH KUMAR Son of Bhagat Sahani @ Bhagat Chaudhary R/V-
Hathiyahi PS-Piprakothi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Pipra
P.S. Case No. 28 of 2023 registered for the offences punishable
under Section 414 of the I.P.C. and Sections 30(a) and 41(i) of
the Bihar Excise Act.

As per prosecution case, there is alleged recovery
of 45 litres of country-made liquor from the bag in question.
Petitioner along with co-accused Rajesh Kumar was
apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.01.2023 and bears no criminal
antecedent. He further submits that there is no recovery of any
liquor from possession of the petitioner. Petitioner is innocent



and has falsely been implicated in the present case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, East Champaran, Motihari in connection with Pipra P. S. Case No. 28 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

shakir/-

U		T	
---	--	---	--

