

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38534 of 2023**

Arising Out of PS. Case No.-194 Year-2023 Thana- PARSABAZAR District- Patna

1. MUKESH KUMAR son of Diplal Ravidas @ Ritlal Ravidas R/o- Lohanipur (East Lohanipur) Ps- Kadamkuan Dist- Patna
2. Jonny Kumar son of Naresh Sahani @ Naresh Chaudhary R/o- Lohanipur (East Lohanipur) Ps- Kadamkuan Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nityanand Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      07-07-2023                      The petitioners are in custody since 27.4.2023 in connection with Parsa Bazar P.S. Case No. 194/2023 for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Act lodged on 26.4.2023 by the informant Mukesh Kumar.

The prosecution story, in brief, is that the informant alleged that on 26.4.2023 in connection with patrolling, reached near Mahuli Halt and saw that one black colour Scooty on which two persons were seated. On seeing the police, they started to flee away but were apprehended and upon search, total 100 liters of country made mahua was recovered from the Scooty and accordingly, seizure list was prepared and FIR



lodged.

Learned counsel for the petitioner submits that there is recovery of 100 liters country made mahua from the Scooty which belongs to petitioner no.1.

Considering the fact that there is recover of 100 liters of country made 'mahua' is from the petitioner no.1, they do not have criminal antecedent and are in custody since 27.4.2023 and will ultimately face the trial, this Court is inclined to extend them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise, Patna, in connection with Parsa Bazar P.S. Case No. 194/2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned



police station every month for next one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/-

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