

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42716 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- PATEPUR District- Vaishali

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Mukesh Rai @ Mukesh Kumar Son of Mahendra Rai Resident of village -
Khesrahi, P.S. - Patepur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-07-2023 Let the defect(s), if any, be removed within two
weeks from today.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner seeks regular bail in connection
with Patepur P.S. Case No. 66 of 2023 dated 27.03.2023, lodged
under Sections 30(a), 32(ii) & 41(1) of the Bihar Prohibition
and Excise Act.

4. As per the prosecution case, the total recovery of
808.92 litre wine has been made from a container, which has
been recovered by the police.

5. Learned counsel for the petitioner submits that
the name of the petitioner has figured in this case on the secret
information provided to the police that three accused persons

including the petitioner were involved in transfer of wine to a container. Counsel submits that the petitioner has not apprehended at the place of occurrence.

6. Learned counsel for the petitioner further submits that nothing has been recovered from the possession of the petitioner rather on secret information, the police has disclosed his name. Counsel further submits that even the person apprehended at the place of occurrence has not disclosed the name of the petitioner.

7. Learned counsel for the petitioner further submits that the petitioner is in custody since 05.06.2023 having two criminal cases pending against him, out of which, in one case he is on bail and in one case, he is persuading for bail.

8. Learned counsel for the State opposes the prayer for bail.

9. 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 Excise Court No. IInd-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 66 of 2023,

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 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.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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