

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49781 of 2023**

Arising Out of PS. Case No.-240 Year-2022 Thana- GOPALPUR District- Gopalganj

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MUKUL YADAV @ MUKUL KUMAR Son of Hareesh Yadav Resident of
Village-Bhagwan Tola, P.S.-Uchkagaon, District-Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Gopalpur P.S. Case No.240 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 24.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 629.6 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was not apprehended on spot
and his name was disclosed by arrested co-accused person,



namely, Bhim Kumar, in furtherance of which, no incriminating appears to be made recovered from conscious physical possession of this petitioner. While concluding the argument, it is submitted that said Bhim Kumar has already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 2695 of 2023 dated 04.02.2023.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner where, petitioner is in custody since 24.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Gopalpur P.S. Case No.240 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Exclusive /concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i)That petitioner shall not involve in the similar nature of offence till



the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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