

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51062 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- KANTI District- Muzaffarpur

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Mukesh Chaudhary @ Mukesh Da @ Mukesh Kumar Chaudhary Son Of
Gauri Shankar Chaudhary Resident Of Village- 40 Dolaigaon, P.S-
Bongaigaon, Dist- Bongaigaon, Assam

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
12.07.2023 in connection with Kanti P.S. Case No. 98 of 2022,
F.I.R. dated 15.02.2022 registered for the offence punishable
under Sections 30(a),32(i)(ii),36,41(I) of Bihar Prohibition and
Excise Act.

3. Recovery is of 2700 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case on the basis of disclosure made by co-accused
person, namely, Rakesh Kumar Rai. Further submits that it
appears from the FIR as well as the seizure list that nothing has



been recovered from conscious possession or the house of the petitioner rather the recovery has been made from the Truck in question and the petitioner is neither the driver nor the owner of the Truck in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 12.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (Excise) Court No.-II, Muzaffarpur in connection with Kanti P.S. Case No. 98 of 2022, with the following conditions:-

(I) One of the bailors should be the father of the petitioner, namely, Gauri Shankar Chaudhary .

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(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.

(IV) 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 step 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.

(Rajesh Kumar Verma, J)

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