

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59067 of 2023

Arising Out of PS. Case No.-186 Year-2023 Thana- DURAULI District- Siwan

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MUKESH KUMAR @ MUKESH YADAV SON OF BABULAL YADAV
VILLAGE- RAGHUNATHPUR TOLA, BILARUWA, PS- BHORE, DIST-
GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Varma, Advocate
For the Opposite Party/s : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioner is an accused in connection with Darauli P.S. Case No. 186 of 2023 registered for the offences under section 414 of the Indian Penal Code and sections 30(a), 41(i) of the Bihar Prohibition and Excise Act lodged on 08.07.2023 by the informant, Ritesh Kumar Mandal.

3. As per the prosecution story, the police intercepted a Wagon-R and a motorcycle and recovered/seized 63 litres and 18 litres of country made liquor respectively from the two vehicles. The petitioner was in the Wagon-R which was found to be stolen. Accordingly, the FIR.

4. It is the case of the petitioner that he had no knowledge whether the car is stolen and/or there is liquor



present in the car and he had only boarded the car with his other friends and in that way, he came to be implicated and is in custody since 09.07.2023 (as stated in paragraph 17 of the bail application). He further submits that he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Taking into account the submissions put forward by the learned Counsel for the petitioner, he do not have criminal antecedent, is in custody since 09.07.2023, FIR lodged and will be facing the trial, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Siwan in connection with Darauli P.S. Case No. 186 of 2023, subject to the following conditions:-

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

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 his bail bonds;

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

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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