

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60943 of 2022**

Arising Out of PS. Case No.-271 Year-2020 Thana- HUSSAINGANJ District- Siwan

Mukesh Kumar Kushwaha, Son Of Late Ram Ratan Bhagat, R/O Village-
Tikari Dhobi Tola, P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 06-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Hussainganj P.S. Case No.271 of 2020 registered for the offence
punishable under Sections 272, 273 of the Indian Penal Code
and Section 30(a)/41(i)/44(2) of the Bihar Prohibition and
Excise Act.

1149.800 litres illicit liquor has been recovered from a
plastic bag, which was kept under the motorcycle in the house
of the petitioner. It is submitted that the recovery is from joint
family property. The petitioner cannot be held responsible for
the recovery, which is not in accordance with law. Petitioner is



in custody since 20.07.2022. He has seven antecedents as per disclosure made in paragraph 3 of the bail petition and he is on bail in all the said cases. Co-accused has been allowed bail in Cr.Misc. No.51060 of 2022 and one of the co-accused, who was a juvenile in conflict with law, has been allowed bail in Cr.Rev. No.142 of 2021.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the period of custody, recovery is from joint family property as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court 1st, Siwan, in connection with Hussainganj P.S. Case No.271 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a
close relative of the petitioner who will give



an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

