

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60468 of 2022

Arising Out of PS. Case No.-777 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Mukul Kumar Son of Jay Ray @ Jay Kumar, R/V- Kamashikoh, Near Mata
Mai Mandir P.S- Chowk, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Special Case No. 5548 of 2022, arising out of
Excise (Prohibition) Patna P.S. Case No. 777 of 2022 registered
for the alleged offences under Sections 30(a) and 56(b) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of 176 liters of
country made *chulai* liquor was made from a tempo and the
petitioner was apprehended from the spot and is stated to be the
driver of the said tempo.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is merely a driver and he has no concern with the seized liquor. Nothing incriminating has been recovered from the conscious possession of the petitioner and he is in custody since 08.09.2022. The charge-sheet has been submitted in this case and the petitioner has got no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Special Case No. 5548 of 2022 (arising out of Excise (Prohibition) Patna P.S. Case No. 777 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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