

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71113 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- AMNAUR District- Saran

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Mukesh Singh @ Mukesh Kumar Singh S/o Jai Narayan Singh R/v- Amnaur
Aguan, P.S.- Amnaur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Amnaur P.S.
Case No. 18 of 2022/Excise Trial No. 657 of 2022 registered for
the offences punishable under Sections 272, 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

Recovery is of 180 litres of country made liquor and 3
litres and 240 ml of foreign liquor.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that nothing has
been recovered from the conscious possession of the petitioner



rather recovery has been made from the house of the petitioner. He further submits that the petitioner was not arrested at the spot and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.11.2022.

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

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail 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 & Sessions Judge, 2nd-cum-First Exclusive Special Judge Excise, Saran at Chapra in connection with Amnaur P.S. Case No. 18 of 2022/Excise Trial No. 657 of 2022, with the following conditions :-

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

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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