

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72541 of 2022

Arising Out of PS. Case No.-165 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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MUKESH KUMAR SON OF RAMBABU SAH R/O VILLAGE- SUJAW,
P.S.- NAUTAN, DISTRICT- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Patel, Adv.
For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the

State through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection
with Excise Case No. 165 of 2018 instituted under Sections
30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, while patrolling the
Police tried to intercept a Scorpio which however tried to flee
but lost control and hit a tree. Further, in cover of darkness, he
fled away from the Scorpio jeep 302.4 litres of foreign liquor
was recovered/seized. However, the accused was able to
escape.

Learned counsel for the petitioner submits that only
because the vehicle was registered in his name, he has been



implicated which was actually being hired and driven by driver and he absolutely had no knowledge of the same illegal activities carried out by him. He submits that the petitioner do not have any criminal antecedent.

He further submits on instructions, that irrespective of the outcome of result, the petitioner wants to contribute Rs. 50,000/- towards Patna High Court Legal Services Committee, A/C- 1413010060836 through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer of bail.

Taking into account the aforesaid facts as also that the petitioner do not have criminal antecedent, the vehicle was used by the Driver, he will be cooperating in the investigation, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 50,000/-, as stated above.

If however, it is found that the petitioner have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with



two sureties of the like amount each in connection with Excise Case No. 165 of 2018 to the satisfaction of learned ADJ 2nd cum Special Excise Court-I, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the following conditions :

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

(ii) the petitioner will make himself available before the police as and when required in course of investigation;

(iii) 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/her bail bond by the Trial Court itself;

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

(v) 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 the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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