

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74759 of 2023

Arising Out of PS. Case No.-356 Year-2022 Thana- KHANPURA District- Samastipur

=====

MUKESH KUMAR SON OF DEV NARAYAN MAHTO R/O KHANPUR,
WARD NO.10, P.S.- KHANPUR, DISTRICT- SAMASTIPUR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Madhav Kumar

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Khanpur P.S. Case No. 356 of 2022 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

3. As per prosecution case, there was alleged
recovery of 66 liter foreign liquor from the house of co-accused
Arjun Kumar. Mahal Chaukidar disclosed the name of present
petitioner and others who fled away from the place of
occurrence.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 04.10.2023. Petitioner bears four
criminal antecedents. Learned counsel further submits that



petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged occurrence. Co-accused Arjun Kumar, from whose house recovery has been made, has already been granted bail by a co-ordinate bench of this Court vide Cr. Misc. No. 23855 of 2023 as same is evident from Annexure-2 of the bail petition and case of present petitioner stands on better footing as petitioner is not apprehended on spot. In the light of aforesaid facts and circumstances of the case, no case has been made out under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, co-accused has already been granted bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, 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 Special Judge, Excise I, Samastipur in connection with Khanpur P.S. No. 356/2022,



subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

amitkr/-

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

