

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77035 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- KHANPURA District- Samastipur

=====

MUKESH KUMAR @ MUKESH KUMAR MAHTO S/O DEV NARAYAN
MAHTO R/O VILLAGE- HARIYABAD CHAKKA, P.S- KHANPUR,
DISTT.- SAMASTIPUR, BIHAR

... .. Petitioner/s

Versus

THE STATE OF 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 02-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Khanpur P.S. Case No. 59/2023 registered for the offences
punishable under Sections 30(a), 37(c) of the Bihar Prohibition
and Excise Amendment Act, 2023.

As per prosecution case, 37.890 litre foreign wine
was recovered from the house of co-accused Rajesh Kumar who
was apprehended on the spot. Apprehended co-accused Rajesh
Kumar disclosed the name of the present petitioner and other
who succeeded in fleeing away from the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner has criminal antecedent of four cases. Petitioner has not been apprehended on spot and he has nothing to do with the alleged recovery. It is further submitted that the place of recovery is joint house which falls in the share of other co-sharer. Basically no incriminating article has been recovered from conscious possession of petitioner. Petitioner is in custody since 05.09.2023. Learned counsel has orally submitted that charge sheet has already been submitted and there is no likelihood of tampering against the present petitioner.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, argument advanced on behalf of both sides 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. Case No. 59/2023, subject to the 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)

asmit/-

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

