

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75406 of 2023**

Arising Out of PS. Case No.-174 Year-2023 Thana- KURSAILA District- Katihar

=====

MURARI KUMAR S/O PRAHLAD SAH VILLAGE- KURSELA BASTI,  
WARD NO. 04, PS. KURSELA, DIST. KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

=====

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      28-11-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Kursela P.S. Case No. 174 of 2023 registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibition and  
Excise Act, 2018.

As per prosecution case, it is alleged that from the  
ditch of the joint house of the petitioner, 108.665 litres of  
foreign wine of different companies was recovered. It is further  
alleged that petitioner was apprehended on the spot whereas  
another person succeeded in fleeing away from the place of  
occurrence.

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. Nothing has been recovered from the conscious possession of the petitioner. The said recovery was made from joint house of the petitioner and others which does not fall in the share of present petitioner. The place of recovery is a ditch, which is an open place and accessible to all. Petitioner bears no criminal antecedent and he is in custody since 30.07.2023. Learned counsel orally submitted that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

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, clean antecedent of the petitioner, chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, 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 Additional District and Session's Judge, Exclusive Special Excise Court No.- II, Katihar in connection with Kursela P.S. Case No. 174 of 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 |  |
|---|--|---|--|

