

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80424 of 2023

Arising Out of PS. Case No.-608 Year-2023 Thana- KAHALGAON District- Bhagalpur

Kunkun Mushar Son Of Gunsagar Mushar Resident Of Village- Indira Awash
Colony, Ps- Ntpc, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Mishra

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kahalgaon P.S. Case No. 608/23 Special Excise Case No.
2820/23 registered for the offences punishable under Sections
30(a) of the Bihar Prohibition and Excise Act, 2016 and
Amendment Act, 2018.

As per prosecution case, petitioner is said to have
been apprehended by the police while trying to escape on a
bicycle which was loaded with a sack from where 50 litre
country made Mahua wine was recovered.

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 is not in any way connected with the bicycle in question and he has no knowledge about the alleged recovery made from the said bicycle. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 28.05.2023. It is further submitted that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal history of two cases.

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, 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 II, Excise, Bhagalpur in connection with Kahalgaon P.S. Case No. 608/23 Special Excise Case No. 2820/23, 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)

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