

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80405 of 2023

Arising Out of PS. Case No.-287 Year-2023 Thana- VIJAYEPUR District- Gopalganj

=====

MUKESH KUMAR @ MUKESH YADAV SON OF MANAGER YADAV
R/O VILLAGE- KHARAH BAZAR, P.S.- KATEYA, DISTRICT-
GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Arun Kumar

=====

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
Vijaipur P.S. Case No. 287/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, 52.5 litre country made
Chulai liquor was recovered from a gunny bag which was
loaded on motorcycle in question and petitioner apprehended on
spot. It is further alleged that petitioner disclosed the name of
co-accused Gulshan Kumar who succeeded to flee 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. Petitioner is not the owner of the motorcycle in question and he is not in any way connected with the alleged occurrence. It is further submitted that petitioner was merely a passer-by and he has no knowledge about the alleged recovery made from the said vehicle. No incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been made as per law. Petitioner bears no criminal antecedent. Petitioner is in custody since 14.09.2023.

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, keeping in view clean antecedent of the petitioner, 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 Court of Additional Sessions Judge IV cum Exclusive Special Excise Court-II, Gopalganj in connection with Vijaipur P.S. Case No. 287/2023 , 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	
---	--	---	--

