

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80536 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- CHANDI District- Nalanda

MUKESH RAM S/O LATE BASO RAM R/O VILLAGE- NEAR
MABEDKAR CLUB, GARHBAPATTI, PARASIA BIGHA, P.S. -
DHANBAD, DISTRICT- DHANBAD (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chandi P.S. Case No. 305 of 2022 registered for the offences
punishable under Sections 30(a)/41(1)(2) of the Excise Act,
2018.

3. As per prosecution case, 797 litre foreign liquor
was recovered from the pick-up van in question. It is alleged
that the said pick-up van in question is alleged to be owned by
the petitioner himself.

4. Learned counsel for the petitioner submits that
petitioner surrender before the court on 22.08.2023 and since
then he is in custody. He orally submits that charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has already sold the vehicle in question on 02.07.2021 to Ranjan Kumar as the sale letter of the vehicle agreement has been annexed in annexure 2 of the bail petition whereas F.I.R. has been lodged on 06.08.2022. Petitioner has no concern with the alleged occurrence and bears no criminal antecedent. Petitioner is quite innocent and has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner is not apprehended on the spot.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, keeping in view clean antecedent of 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 A.D.J.-V, -cum-Special Judge, Excise-I, Nalanda, Bihar Sharif in connection with



Chandi P.S. Case No. 305 of 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)

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