

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5025 of 2024**

Arising Out of PS. Case No.-277 Year-2023 Thana- ISUAPUR District- Saran

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Mukesh Ram S/O YOGENDRA RAM VILLAGE- AGAUTHAR NANDA,  
PS. ISUAPUR, DIST. SARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajit Kumar Singh  
For the Opposite Party/s : Mrs.Sangeeta Sharma

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

2      06-02-2024                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2.      The petitioner seeks bail in connection with  
Isuapur P.S. Case No. 277/2023 registered for the offences  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

3.      As per prosecution case, there was alleged  
recovery of 25 liters country made liquor from the hut (Palani)  
in question and the petitioner was apprehended on the spot.

4.      Learned counsel for the petitioner submits that  
petitioner is innocent and has falsely been implicated in this  
case. Nothing has been recovered from the conscious possession  
of the petitioner. The petitioner is languishing in custody since  
21.10.2023 and bears criminal antecedent of two cases and in



both cases he is on bail. He further submits that the petitioner was neither owner of the said hut (Palani) nor was concerned with the seized liquor. He further submits that the seized liquor was recovered from the hut (Palani) which is open place and the same is accessible to all. He further submits that the seizure list has not been prepared as per the law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of 3<sup>rd</sup> Special Judge, Excise, Saran at Chapra in connection with Isuapur P.S. Case No. 277/2023, 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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