

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46861 of 2024

Arising Out of PS. Case No.-223 Year-2021 Thana- KHANPURA District- Samastipur

Mukesh Kumar Singh SON OF SITA RAM SINGH VILLAGE- BELSANDI
TARA, PS- BIBHUTIPUR, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar
For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Amendment Act.

3. Altogether 38.625 liters of foreign liquor is said to have been recovered from a motorcycle and a tempo.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. Petitioner is the owner of the tempo and he has given it to a driver to ply on



rent. Petitioner is languishing in jail since 21.05.2024 and has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.5000.00 (Rupees Five Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Khanpur P.S. Case No.223 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below



will be at liberty to initiate proceeding for cancellation of bail
on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of aforesaid
amount in the Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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