

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56457 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- CHIRAIYA District- East Champaran

Mulendra Sah @ Moolendra Sah Son of Sikendra Sah @ Sikandar Sah R/V-
Katkuiya/Ahiraulya, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2024 Heard Mr. Kundan Rathore, learned counsel for the

petitioner and Mr. Gauri Shankar Gupta, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
10.05.2024, in connection with Chiraiya P.S. Case No. 74 of
2024, F.I.R. dated 22.02.2024 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2022.

3. Recovery is of 25.8 litres of illegal *Nepali* country
made wine.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that nothing has



been recovered from the conscious possession of the petitioner rather recovery has been made from the motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the petitioner is in custody since 10.05.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and nothing has been recovered from the conscious possession of the petitioner, 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 Exclusive Special Excise Court No. 01/Concerned Court, Motihari, East Champaran in connection with Chiraiya P.S. Case No. 74 of 2024, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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