

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62833 of 2024

Arising Out of PS. Case No.-20 Year-2022 Thana- AGAMKUAN District- Patna

Mukesh Kumar S/o Tez Manjhi @ Teja Manjhi R/o Jiyaulhaque Colony, Naya
Tola Kumrhar, P.S. - Agamkuan, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Agamkuan P.S. Case No. 20 of 2022, corresponding to Special Excise Case No. 26 of 2022, instituted for the offences punishable under Sections 30(a), 32, 34 and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 33 liters liquor was recovered from the house of co-accused Kavita Devi.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. Learned counsel for the petitioner further submits that the petitioner was not arrested on spot. During course of investigation name of the petitioner has transpired in this case. The petitioner has been remanded on 16.07.2024 and has got five criminal antecedents in which he is on bail in two cases. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Agamkuan P.S. Case No. 20 of 2022, corresponding to Special Excise Case No. 26 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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