

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69668 of 2024

Arising Out of PS. Case No.-855 Year-2024 Thana- Excise P.S. District- Gaya

Mukesh Kumar S/o Janardan Yadav R/o Village- Korya, P.S.- Gurpa, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 855 of 2024 for the offences punishable under Sections 30(a) & 32(3) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 25.08.2024 by the informant, Ajit Kumar.

3. As per the prosecution story, the informant alleged that during vehicle checking, a motorcycle was intercepted and there is recovery/seizure of 150 litres of country made *Mahua*. Accordingly, the arrest/the FIR.

4. Learned counsel for the petitioner submits that the motorcycle does not belong to him, he was a passerby, implicated. The petitioner has got no criminal antecedent and is in custody since 25.08.2024 (para-13 of the petition).



5. Learned APP opposes the prayer submitting that he has been caught with the liquor which was in the motorcycle.

6. A categorical denial has been made by the petitioner that he does not own the motorcycle, allegedly, recovery/seizure is found from the motorcycle, he has got no criminal antecedent and has remained in custody since 25.08.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Excise Court no.3, Gaya in connection with aforesaid P.S. Case, subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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