

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78167 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- JANTA BAZAR District- Saran

Mukesh Sah @ Mukesh Kumar Sah Prabhunath sah @ Prabhu Sah R/O Vill. -
Kateya , P.S- Janta Bazar ,District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Janta Bazar P.S. Case No. 163 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act lodged on 11.08.2024 by the informant, Md. Belal.

3. As per the prosecution story, the informant while patrolling duty, intercepted a motorcycle and from it, recovered/seized 25 liters of *mahua*. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that he does not own the motorcycle but only because of his criminal antecedents, implicated and he is in custody since 12.08.2024 (paragraph-13 of the petition).

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedents.



6. Considering the submissions put forwarded by the parties as also that the petitioner does not own the motorcycle and he is in custody since 12.08.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra, in connection with Janta Bazar P.S. Case No. 163 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 fortnight for one year 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)

Adnan/-

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