

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78221 of 2025

Arising Out of PS. Case No.-106 Year-2025 Thana- EXCISE SIMRAHI District- Supaul

Mukesh Kumar Son of Sahdev Yadav R/O Vill- Manhara, Ward No. 01, P.S.-
Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-01-2026 Heard the learned counsel for the petitioner and
learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Excise Case No. 1631 of 2025 arising out of Simrahi P.S. Case No. 106 of 2025 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 amendment Act, 2018.

3. As per the prosecution case, on the basis of a secret information that a vehicle was carrying cough syrup, the police intercepted the same and apprehended three persons who disclosed their names as Dilkhus Kumar, Mukesh Kumar (the petitioner) and Nitish Kumar. Upon search, a total of 200 bottles of Wizkuff cough syrup, each containing 100 ml, were

recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that the petitioner has no concern whatsoever with the recovered consignment and that no incriminating article has been recovered from his conscious possession. It is further submitted that the vehicle in question does not belong to the petitioner. The learned counsel lastly submits that the petitioner has one criminal case against his name and he is in custody since 05.08.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioner has remained in custody since 05.08.2025, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Excise Case No. 1631 of 2025 arising out of Simrahi P.S. Case No. 106 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his

close relative and the other shall be the local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 antecedent, 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.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

aditya/-

U		T	
---	--	---	--